



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10829 of 2019

1.Karthick Kumar
2.Lingaraj

... Petitioners/Accused
No.1 and 2

Vs

The State Rep by its
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No. 108 of 2019.

... Respondent/Complainant

For Petitioners : M/s.Jeyakarthik,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

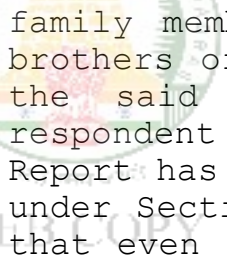
For Bail in Crime No. 108 of 2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 2 seeking bail for the alleged offence under Sections 294(b), 323,324 and 506(ii) of IPC @ under Sections 294(b), 323, 324, 506 (ii) and 302 of IPC in Crime No.108 of 2019.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 10.06.2019 and from that date onwards they are in custody. He further submitted that the occurrence is said to have taken place in front of the house of the petitioners and only the defacto complainant and his



family members are aggressors and they assaulted the mother and brothers of the petitioners and caused injuries and with regard to the said occurrence a complaint has been lodged before the respondent police and based on the said complaint First Information Report has been registered in Crime Number 109 of 2019 for offences under Sections 294(b), 324 and 506(ii) of IPC. He further submitted that even as per the First Information Report the first petitioner is said to have attacked the defacto complainant with stick on his head and thereafter both the petitioners treadled him. He further submitted that the deceased is drunkard and he was having bad habits and he would have died due to some other ailments. He would further submit that the deceased would have not died due to the attack made by the petitioners. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner and one Mallika loved each other and they married four years ago and they got a three year old female child and due to some misunderstanding between them the said Mallika left the matrimonial home and she is residing with her parents. He further submitted that on 07.06.2019 at about 03.00 p.m., the defacto complainant and his brother's son namely Dharmaraj(deceased) went to the North Street for taking water and at that time the petitioners resorted to wordy quarrel with them and thereafter at 4.00 clock the petitioners and their mother Valliyammal (A3) came there and attacked the deceased(Dharmaraj) with sticks and also pushed down and treadled him and due to the said attack the deceased died. He further submitted that the investigation is at the preliminary stage. Hence, he opposed to grant bail to the petitioners.

5. Taking into consideration the fact that the petitioners are in custody from 10.06.2019 and also the submission made by the learned counsel for the petitioners that a counter case has also been registered, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE,
KADALADI.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4.THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.JEYAKARTHIK Advocate SR.No.12647

ORDER
IN
CRL OP(MD) No.10829 of 2019
Date :31/07/2019

vsg
TK/PN/SAR.1/31.07.2019/3P/7C