



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Tenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.5604 of 2018

PRITHIVIRAJAN,

... PETITIONER/ACCUSED NO.3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL.
(CR.NO.45/2011)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.3. He was arrested by the respondent police on 15.02.2018 based on the Non-Bailable Warrant issued by the learned Judicial Magistrate No.II, Dindigul, and remanded to judicial custody. The case against him is for the offences punishable under Sections 341 and 302 IPC, in P.R.C.No.27 of 2011, on the file of the Judicial Magistrate Court No.II, Dindigul. He seeks bail.

2.The case of the prosecution is that the de-facto complainant is running evening Tiffin Centre at Dindigul Nagar, under the Railway Bridge and the accused have demanded 'Mamool' from the de-facto complainant, for which, one David Vincent, who is the brother of the de-facto complainant, assaulted them and therefore, a case was registered against him and thereafter, on 11.01.2011, in the night hours, the petitioner along with other accused wrongfully restrained the deceased David Vincent and committed murder of him by strangulating his neck with a string and cut his neck.



3. Heard both sides.

4. The petitioner is facing committal proceedings in P.R.C.No.27 of 2011 on the file of the Judicial Magistrate Court No.II, Dindigul. On account of his abscondence, on 23.10.2017, Non-Bailable Warrant came to be issued against him and he was arrested on 15.02.2018 and remanded to judicial custody.

5. Now, the petitioner undertakes before this Court through his counsel that he would appear before the respondent police daily at 10.00 a.m. till the committal proceedings are over and he also undertakes that he would not apply for relaxation.

6. Recording the abovesaid undertaking given by the petitioner, this Court is inclined to enlarge him on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul.

(ii) The petitioner shall appear before the respondent police daily at 10.00 a.m. till the committal proceedings are over.

(iii) The petitioner shall not abscond.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

sd/-
10/04/2018

/ TRUE COPY /

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



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TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.3 THE INSPECTOR OF POLICE
DINDIGUL TOWN NORTH POLICE STATION, DINDIGUL.4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.5846

GJM/PN/KAK/VK/11.4.18-3P-7C

ORDER

IN

CRL OP(MD) No.5604 of 2018

Date :10/04/2018