



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

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.12523 of 2018

M.SUNDARRAJ

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
EAST POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
CRIME NO.231 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.SUTHAKARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 18.06.2018 for the offence punishable under Section 302 I.P.C, in Crime No.231 of 2018, on the file of the respondent police. He seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the respondent.

3.The defacto complainant is the father of the deceased. The deceased is said to have attacked the petitioner, since there was a dispute between the petitioner and his son regarding sale of property. Son of the petitioner, chellapandi and the deceased are said to be close friends. This Court posed a specific question to the prosecution as to what are the materials against the petitioner. He stated that one Ajith witnessed the occurrence. If that be so, he would have complained immediately. But, the said Ajith was said to have given complaint on the next day only. Taking note of the same, this Court is inclined to grant bail to the petitioner. However, this observation is made only for the purpose of granting relief in this petition. It shall not be taken advantage of the petitioner in any other proceedings.

4.The petitioner is directed not to enter the town limits of Virudhunagar in the next 45 days. The learned counsel for the petitioner submits that the petitioner would stay at Madurai during



this period. If this condition is breached, this bail can be cancelled. The learned counsel for the petitioner undertakes that he will not apply for any relaxation or modification of this condition imposed by this Court for a period of 45 days.

5. Taking note all these aspects, this Court is inclined to enlarge the petitioner 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, Virudhunagar.

(ii) the petitioner shall appear before the respondent police as and when required for interrogation.

(iii) the petitioner shall not abscond.

(iv) on breach of any of the aforesaid conditions, the 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 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/-
23/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE, EAST POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.I.SUTHAKARAN Advocate SR.No.13679

ORDER IN
CRL OP(MD) No.12523 of 2018
Date :23/07/2018