



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20204 of 2018

SURENDRAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SEMPATTY POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.250/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.VELLAICHAMY, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

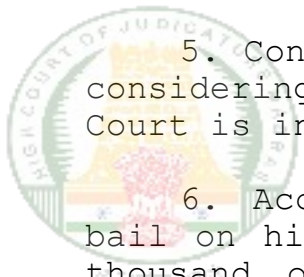
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 21.09.2018 for the offences punishable under Sections 294(b), 307 and 302 of IPC, in Crime No.250 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused is having relationship one Vani, who has married the defacto complainant's relative. When the defacto complainant and her husband namely Sadaiyandi, questioned the same, there was a dispute arose between them. On 11.08.2018, the petitioner and other accused persons attacked the defacto complainant's husband and others with aruval. The victim died on the way to the hospital. The defacto complainant sustained grievous injuries. Hence, the case was registered as against the accused persons.

3. The contention of the learned counsel for the petitioner is that the petitioner attacked the deceased with hands and he had not caused any injury to the deceased. The petitioner has been falsely implicated in this case. He further submitted that one of the co-accused has been released on bail. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that accused was arrested on 21.09.2018 and his name was not found in the P.I.R, It has been mentioned that two known identifiable persons and the investigation is almost over in this case.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30, until further order.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

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

sd/-

22/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL.
4. THE INSPECTOR OF POLICE,
SEMPATTY POLICE STATION, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.VELLAICHAMY Advocate SR.No.21918

ORDER IN
CRL OP(MD) No.20204 of 2018
Date :22/11/2018