



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20903 of 2018

MURUGESAN

... PETITIONER / ACCUSED NO.9

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SELLUR POLICE STATION (L&O),
MADURAI.
CRIME NO. 1302/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SARAVANAN BAGAVATHI 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 19.10.2018 for the offences punishable under Sections 341, 307, 302 IPC @ 120(b), 147, 148, 302, 307, 341 and 212 I.P.C, in Crime No.1302 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are 11 accused in this case. The petitioner is the father of the A1 and A3. A10 and A11 are building contractors. There was a previous motive between the accused persons and deceased. The petitioner and other accused persons were attacked the deceased with knife, he died on the spot. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the father of A1 and A3. He would further submit that one of the accused A10 namely Sathiskumar has filed a petition in CrI.O.P(MD)No.19344 of 2018, last week of September, seeking for a direction for preserve the CCTC Footages recorded in Sellur Police station from 15.08.2015 to 21.08.2015. Thereafter, the petitioner has been arraigned as an accused in the first week of October.



4. Heard the learned Additional Public Prosecutor.

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 Principal and Sessions Judge, Madurai and on further condition that:

[a] the petitioner shall report before the respondent police daily twice at 10.30 am and 05.00.p.m.

[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/-

28/11/2018

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
SELLUR POLICE STATION(L&O), MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.SARAVANAN BAGAVATHI Advocate SR.No. 22211

ORDER

IN

CRL OP(MD) No.20903 of 2018

Date :28/11/2018