



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21097 of 2018

RAJARATHINAM

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.THANGAMANI, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

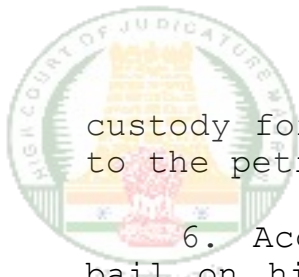
The petitioner, who was arrested by the respondent police on 20.09.2018, for the offences punishable under Sections 147,148,201,202 and 302 of IPC., in Crime No.335 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had love affair with one person against whom the deceased spread false information, due to which the petitioner along with his friends had assaulted the defacto complainant with wooden log and there after the deceased was set fire and buried.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He further submitted that the petitioner is in incarceration for the past 79 days.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that all the accused in this case have been secured and that the investigation is almost over and waiting for forensic report.

5. Considering the above facts and circumstances of the case and also considering the fact that the petitioner is in judicial



custody for more than 79 days, this Court is inclined to grant bail to the petitioner, with certain conditions.

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, Rajapalayam and on further condition that:

[a] the petitioner shall appear before respondent police daily at 10.30 a.m., until further orders.

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

[c] the petitioner shall not abscond 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 229 A IPC.

sd/-

07/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.BALASUBRAMANIAN, Advocate SR.No.22888

ORDER

IN

CRL OP(MD) No.21097 of 2018

Date : 07/12/2018

MS/PN/SAR-1/07.12.2018/2P.7C