



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21894 of 2018

SELVEKUMAR,

... PETITIONER / ACCUSED No.2

Vs

THE STATE, REPRESENTED BY
THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(IN CR.NO.335/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.JEYAPRAKASH 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 24.09.2018 for the offence punishable under Sections 147, 148, 302, 201 and 202 IPC in Crime No.335 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one of the accused 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 thereby the deceased was set fire and buried.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that this Court had already granted bail to the co-accused in Cr1.O.P.(MD)No.21097 of 2018 on 07.12.2018.

4.The learned Additional Public Prosecutor for the respondent submitted that the investigation is completed and charge sheet is yet to be filed.
<https://hcservices.ecourts.gov.in/hcservices/>



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 with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her 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 report before the respondent police daily at 10.30.a.m., until further orders.

[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/-
12/12/2018

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

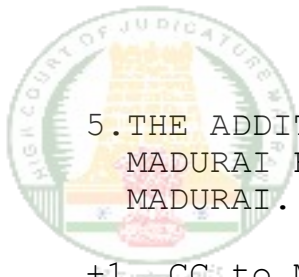
TO

1. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI



5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.C.JEYAPRAKASH Advocate SR.No.23114

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ORDER

IN

CRL OP (MD) No.21894 of 2018

Date :12/12/2018

AE/VR MMS/SAR1/12.12.2018/3P/7C