



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

Monday, the Seventeenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22372 of 2018

P. RAJALINGAM ... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AMMAINAIKANUR POLICE STATION,
DINDIGUL DISTRICT.
(IN CRIME NO. 330 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.VENKATESAN 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 :-

This petition is filed seeking interim bail to the petitioner for the purpose of performing the final rituals of his deceased mother.

2.The petitioner/accused No.1 who has been arrested on 06.12.2018 in connection with Cr.No.330 of 2018, on the file of the respondent Police, is now confined at Central Prison, Madurai.

3. The learned counsel appearing for the petitioner would submit that the petitioner's mother died on today i.e 17.12.2018 morning and cremation is to be held on tomorrow i.e 18.12.2018 at Pallappatti Village, Dindigul District. Hence, the petitioner being the younger son, as per the Hindu custom, has to perform last rituals to his mother.

4.As per procedure, at first, the petitioner has to move the Sessions Court and thereafter, he has to move this Court. In this case, considering the urgency, moving of the Lower Court for bail is



dispensed with and the petitioner is permitted to move the bail application before this Court without the order copy of the lower court.

5. The learned Government Advocate (Crl. Side) would submit that considering the urgency, the petitioner may be granted interim bail with police escort.

6. Considering the urgency, this Court inclined to grant interim bail to the petitioner with the following conditions:-

i) The Superintendent of Central Prison, Madurai is directed to release the petitioner by name P. Rajalingam, S/o. Ponmayan Thevar from 18.12.2018 to 20.12.2018 on custodial bail after following the usual procedure and other safeguarding measures in accordance with the Prison Manual, to take part in the funeral ceremony, which is to be held on 18.12.2018. The petitioner shall be taken back to the Central Prison, Madurai on 20.12.2018 before 05.00 p.m.

ii) The Superintendent of Central Prison, Madurai shall provide escort with civil dress to the petitioner from the Central Prison, Madurai from the time he leaves the Central Prison, Madurai and till such time, he is taken back to the Central Prison, Madurai on the said date and time as ordered by this Court.

iii) The Government shall bear the expenditure for providing escort to the petitioner.

iv) The petitioner shall be of good behaviour and shall not commit any offence during his leave. The petitioner is liable to be recalled immediately in case he violates any of the conditions.

7. This petition is ordered accordingly.

sd/-
17/12/2018

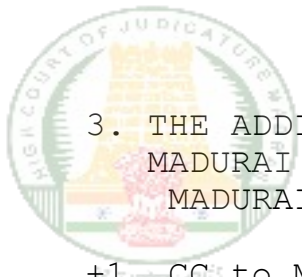
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE,
AMMAINAIKANUR POLICE STATION,
DINDIGUL DISTRICT.

2. THE SUPERINTENDENT,
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL PRISON, MADURAI.



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

+1. CC to Mr.R.VENKATESAN Advocate SR.No.23445

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ORDER

IN

CRL OP (MD) No.22372 of 2018

Date :17/12/2018

TK/PN-AC/SAR4/17.12.2018/3P/5C