



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1040 of 2019

KALAIKUMAR @ KALAI @SILUVAI

... PETITIONER / ACCUSED NO.6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
(CRIME NO.392/2012)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.RAMESHKUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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 16.12.2018 for the offences punishable under Sections 364(A) and 365 of IPC in Crime No.392 of 2012, on the file of the respondent police, seeks bail.

2. There are totally six accused in this case. The petitioner here in is A6. The case of the prosecution is that the petitioner along with other have confined the son of the defacto complainant and demanded a ransom of Rs.80,00,000/-.

3. The learned counsel for the petitioner would submit that he has not committed any offence as alleged by the prosecution. He would also submit that only based on the confession statement given by the co- accused this petitioner has been implicated. He would also submit that he is an agriculturalists and he has three year old child and he has to take care of his family. He would submit that the petitioner is residing in the same village for a past few years.

4. The learned Government Advocate(Crl.Side) would submit the investigation in this case is almost over and there is no previous case pending against the petitioner.



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, Kulithalai and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[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/-
01/02/2019

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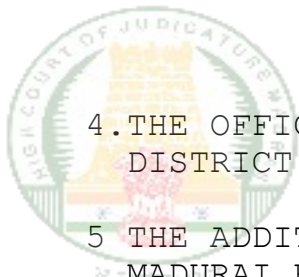
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3.THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.



4. THE OFFICER INCHARGE,
DISTRICT PRISON, TRICHY.

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

+1. CC to MR.D.RAMESHKUMAR Advocate SR.No.2104

ORDER

IN

CRL OP(MD) No.1040 of 2019

Date :01/02/2019

TK/PN/SAR4/01.02.2019/3P/7C