



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

Wednesday, the Sixth day of February Two Thousand Nineteen  
PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

WEB COPY

CRL OP (MD) No.1110 of 2019

RUBANS

... PETITIONER / ACCUSED NO.4

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
SOUTH POLICE STATION,  
TUTICORIN,  
TUTICORIN DISTRICT.  
CRIME NO.839/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.KA.RAAMAKRISHINAN, 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 :-

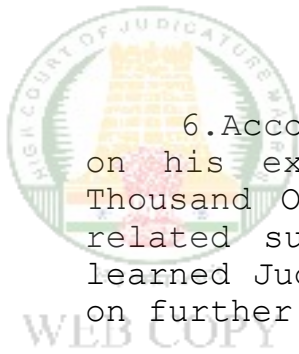
The petitioner was arrested and remanded to judicial custody since 21.12.2018 for the offences punishable under Sections 302 @ 147, 148, 341, 342, 294(b), 302 and 506 (ii) IPC in Crime No.839 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that A2, who is the sister of A1, has illegal intimacy with the deceased person. Hence, the other accused along with A2 attacked the deceased with deadly weapons (knife), caused injury and deceased died on the spot.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and for the past 50 days he is in judicial custody and the present allegation against the petitioner is only an attempt. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that the petitioner along with the other accused persons attacked the deceased and thereby, he lost his life and there is no previous case pending against the petitioner and the investigation is completed.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tuticorin, Tuticorin District, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the learned Judicial Magistrate No.I, Tuticorin, Tuticorin District, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

06/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, TUTICORIN, TUTICORIN DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE, SOUTH POLICE STATION, TUTICORIN, TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.KA.RAAMAKRISHINAN Advocate SR.No.2477

ORDER

IN

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Date : 06/02/2019