



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

CRL OP (MD) No.1419 of 2019

SARKARAIRAJ

... PETITIONER / ACCUSED No. 3

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VANNIYAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.166/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MOHAN 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 04.12.2018 for the offences punishable under Sections 147, 148, 448, 302, 120(B) of IPC in Crime No.166 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and the other accused joined together entered into the hurt of the deceased and indiscriminately attacked the deceased with Aruval and thereby, the deceased was dead on the spot. Hence, the wife of the deceased gave a complaint before the respondent police.

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 himself surrendered before the learned Judicial Magistrate, Sivakasi on 04.12.2018 and for the past 64 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 though no previous case is pending against the petitioner, there was a specific overtact against the petitioner in this case. The wife of the petitioner is the eye witness and the viscera report has also been secured 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.II, Srivilliputhur, 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 respondent police daily daily at 10.30 a.m. and at 05.30 p.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 II
SRIVLLIPUTHUR, VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR



3

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

4 THE OFFICER IN-CHARGE,
DISTRICT JAIL, VIRUDHUNAGAR

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

+1. CC to MR.A.MOHAN Advocate SR.No.2462

ORDER
IN
CRL OP(MD) No.1419 of 2019
Date :06/02/2019

MSI/PN/SAR-IV/06.02.2019-3P/7C