



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1561 of 2019

MURUGAN

... PETITIONER / ACCUSED A5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
(CRIME NO.331 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.JOHN SATHYAN Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

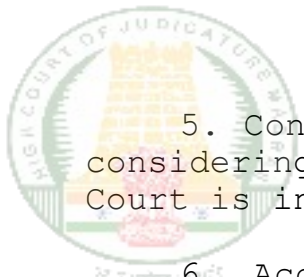
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 21.12.2018 for the offences punishable under Sections 294(b), 302 and 506(ii) of IPC, in Crime No.331 of 2018, on the file of the respondent police, seeks bail.

2. There are totally five accused in this case. The petitioner herein is the fifth accused. The case of the prosecution is that due to enmity between the family members and the accused, A1 to A5 assaulted the deceased with deadly weapons and he sustained injuries. Thereafter the deceased was taken to hospital and he died in the hospital.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would also submit that co- accused in this case had already been released on bail by the lower court.

4. The learned Government Advocate(Crl.Side) would submit that there are six cases pending against the petitioner. He would also submit that this petitioner had assaulted the deceased with stones.



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, Thoothukudi, and on further condition that:

[a] the petitioner shall report 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/-
31/01/2019

/ TRUE COPY /

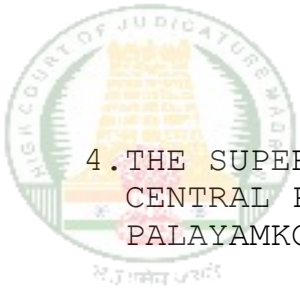
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II
THOOTHUKUDI

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

3 THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.



4. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1. CC to M/S.R.JOHN SATHYAN Advocate SR.No.1862

ORDER
IN
CRL OP(MD) No.1561 of 2019
Date :31/01/2019

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