



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2098 of 2019

1.CHINNAIAH

2 VELLAICHAMY

... PETITIONERS / ACCUSED No.2 & 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
VADAMADURAI,
DINDIGUL.

(CRIME NO.17/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.J.SIVARAM Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

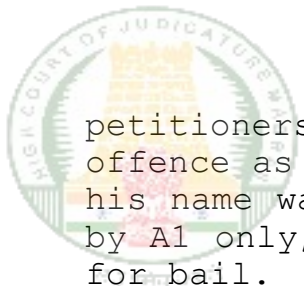
ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody since 13.01.2019 for the offences punishable under Sections 302 IPC @ 147, 148, 342 and 302 of IPC in Crime No.17 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners are A2 and A5. A1 induced the defacto complainant to purchase one precious stone (Nagamanikkal) along with him and accordingly, A1 agreed to sell the Nagamanikkal. After receipt of some amount A1 handed over the Nagamanikkal. However, since the balance amount was not paid he was claimed to return back the same. Thereafter, after giving the further amount, the defacto complainant came with the deceased and demanded the A1 to return the Nagamanikkal to him as agreed. But, there was a wordy quarrel arose between them. At that quarrel A1 along with other accused persons attacked the deceased who came along with the defacto complainant, thereby he sustained injuries and passed away. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned for the petitioners would submit that the



petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that his name was not found in the FIR. On the basis of confession made by A1 only, he was implicated in this case. Accordingly, he prayed for bail.

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4.The learned Government Advocate(Crl.side) appearing for the state would submit that initially his name was not implicated in this case. Based on the confession his name was implicated. The main accused persons A1 to A3 were arrested and still in custody.

5.Considering the facts and circumstances of the case and considering the period of incarceration and since the main accused were arrested and remanded in judicial custody, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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, Veda sandur 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

25/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
VEDASANDUR.

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

3. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
VADAMADURAI, DINDIGUL.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP (MD) No.2098 of 2019

Date : 25/02/2019

AE/PN/SAR-I/25.02.2019/3P/6C