



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

Tuesday, the Twelfth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2198 of 2019

AJITHKUMAR @ ANNAMALAI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI DISTRICT.
CRIME NO.688 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.AJMAL KHAN, Advocate
for M/S.APN LAW ASSOCIATES

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

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

ORDER : The Court Made the following order :-

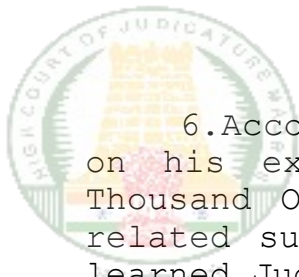
The petitioner, who was arrested and remanded to judicial custody since 13.11.2018 for the offence punishable under Sections 147, 148, 302, 506(ii) of IPC @ 147, 148, 342, 302, 506(ii) and 201 of IPC of IPC in Crime No.688 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the A1 to A5 and the deceased, A1 to A5 had done away the deceased. On 12.11.2018, when the defacto complainant was in her house, the deceased friend Saravanamoorthy had informed her that her son Sathish kumar was assaulted by the accused A1 to A5 near Thiraviam Pillai hospital and he sustained several cut injuries. On hearing the same, the defacto complainant and her husband went to the spot and saw their son dead. Thereafter, she lodged 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. He is in prison for more than 81 days. The Law Enforcing Agency has not filed the charge sheet till now and there is no specific overt act against the petitioner. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor would submit that A6 was released on bail by this Court.

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, Melur 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 5.30 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 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/-

12/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, MELUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANTHA PADMANABAN, Advocate SR.No. 2874

ORDER

IN

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Date :12/02/2019