



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2215 of 2019

MUTHUPANDI

... PETITIONER / 5th ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
VEDACHANDUR POLICE STATION,
DINDIGUL DISTRICT
CRIME NO.29 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENIN KUMAR 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, who was arrested and remanded to judicial custody since 24.01.2019 for the offence punishable under Sections 120(b), 115 of IPC and Section 25(1)(a) of Arms Act, 1959 in Cr.No.29 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Sub Inspector of Police, attached to the respondent got a secret information. On 23.01.2019, when the defacto complainant is in his surveillance duty near Vendasandur at about 11.00 p.m.the accused persons were standing there along with motor bikes. On enquiry, it reveals that the planned to murder one Marimuthu, who is a District Level Functionary of Hindu Munnani, thereby he secured the accused persons and remanded in judicial custody.

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 would further submit that though A3 and A4 are belong to Muslim religion, A5 is belong to Hindu religion. On the confession of other accused persons, this petitioner has been implicated in this case He further submits that this Court has already granted anticipatory bail to the co-accused A6 and A7 by order dated 01.02.2019 in Crl.O.P.(MD).No.1342 of 2019

and Crl.O.P.(MD).No.1744 of 2019, dated 04.02.2019 respectively. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor would submit that based on the secret information, the accused persons got secured and recorded their confession statements. However, he did not dispute the fact that the co-accused were already granted anticipatory bail by this Court.

5.Considering the facts and circumstances of the case and since the co-accused persons in this case granted anticipatory bail and considering the period of incarceration, 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, Vedasandur in respect of petitioner in 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 Inspector of Police, Dindigul, 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 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/-
28/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
VEDASANDUR, DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
VEDACHANDUR POLICE STATION,
DINDIGUL DISTRICT

4 THE INSPECTOR OF POLICE,
DINDIGUL.

5 THE OFFICER IN-CHARGE
DISTRICT JAIL, DINDIGUL.

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

+1. CC to MR.T.LENIN KUMAR Advocate SR.No.3952

ORDER

IN

CRL OP(MD) No.2215 of 2019

Date :28/02/2019

MSI/PN/SAR 4/28.02.2019/3P-8C