



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

Friday, the Fifteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2412 of 2019

1 DURAIRAJ

2 KANNAN

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PULIVALAM POLICE STATION,
THURAIYUR TALUK,
TRICHY DISTRICT.
CRIME NO.109/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.HAJA MOHIDEEN Advocate

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

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 11.12.2018 for the offence punishable under Sections 302 of IPC, in Crime No.109 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives and they are working as masons and on the particular day, the petitioners and deceased consumed alcohol and in drunken mood they assaulted each other, thereby the deceased sustained fatal injury and lost his life. The defacto complainant who is the wife of the deceased filed the complaint.

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. The petitioners are not the named accused. Only after investigation their names were implicated. Accordingly, he prayed for bail.



4.The learned Government Advocate (Crl. Side) would submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, 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, Thuraiyur, Trichy 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 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/-

15/02/2019

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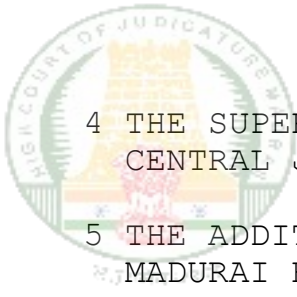
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
PULIVALAM POLICE STATION,
THURAIYUR TALUK, TRICHY DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

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

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+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-3199 dated 15/02/2019)

ORDER

IN

CRL OP (MD) No.2412 of 2019

Date :15/02/2019

JM/PN/SAR 4/15.02.2019/3P/7C