



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

Monday, the Eighteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2476 of 2019

CHELLADURAI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.173/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.MAHARAJA, Advocate

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

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

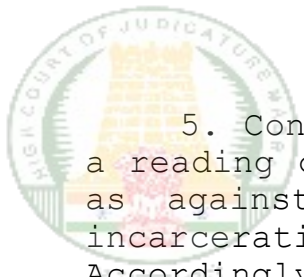
ORDER : The Court Made the following order :-

The petitioner who was arrested on 14.12.2018 for the offence under Sections 294(b), 302 and 506(ii) IPC, in Cr.No.173 of 2018, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that A1 and the deceased person having some previous dispute with regard to the drawing water from the common bore well, for which the petitioner and other accused persons entered into wordy quarrel and they have assaulted the deceased person and thereby, the deceased died in the spot and hence, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit there is no specific overt act as against the petitioner and that the petitioner did not commit any offence as alleged by the prosecution and hence, he would pray for bail to the petitioner.

4.The learned Government Advocate(Crl.side) would submit that there is specific allegations as against this petitioner and the defacto complainant, who is the brother of the deceased is an eye witness to the occurrence and hence, he would pray for dismissal of this petition.



5. Considering the facts and circumstances of the case and that a reading of FIR, it is found that there is no specific allegations as against the petitioner and that considering the period of incarceration, I am inclined to grant bail to the petitioner. 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, Srivaikundam, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the 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 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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
PERURANI, THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.MAHARAJA Advocate SR.No.3233

ORDER IN

CRL OP(MD) No.2476 of 2019

Date :18/02/2019