



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2894 of 2019

S.GOPI

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
DINDIGUL.
(CRIME NO.4/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MOHAN Advocate

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

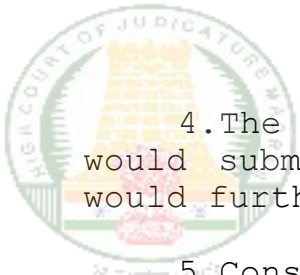
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested on 05.01.2019 for the offences under Sections 147,148,341,302 and 109 of IPC @ 147, 148, 341, 302, 120(b) and 109 of IPC ,in Cr.No.4 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the wife of the deceased had given a complaint that about 07.45 a.m when the deceased was about to drop her daughter in the school bus stop the deceased was attacked by Srirangan, Johnvivek, Vignesh and Surya who are A1 to A4 in this case and Alex Raj, Shanmugavel, Masanam and Saravakumar have conspired and directed A1 to A4 , who has assaulted the deceased in the broad day light and had committed the murder. The deceased had sustained several injuries in his vital parts and the reason for the murder is that the deceased is the informant in the murder of his brother, where in some of the accused are accused in that case.

3.The learned counsel appearing for the petitioner would submit that this is the third bail application. However he would submit that similarly placed accused persons were granted bail by this Court in Crl.O.P(MD) No. 2780 of 2019, dated 22.02.2019 and hence there is change in facts and circumstance of the case and hence, he would pray for bail to the petitioner.



4. The learned Additional Public Prosecutor on instructions would submit that co-accused in this case was granted bail. He would further submit that investigation is pending.

5. Considering the nature of the case and considering the period of incarceration and also considering the fact that similarly placed accused is granted bail by this Court, 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 No.I, Dindigul 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/-

27/02/2019

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

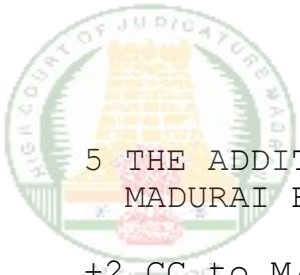
TO

1 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
DINDIGUL.

<https://hcservices.ecourts.gov.in/hcservices/>
4 THE OFFICER INCHARGE,
SUB-JAIL, DINDIGUL.



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

+2 CC to M/s.A.MOHAN, Advocate (SR-3834[I] dated 27/02/2019)

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ORDER

IN

CRL OP(MD) No.2894 of 2019

Date :27/02/2019

JM/MMS/SAR 3/27.02.2019/3P/8C