



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

Thursday, the Seventh day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3530 of 2019

1 VELLORE BAVA
2 SHAKE FAREETH

... PETITIONERS / ACCUSED NO.1 AND 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.29/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.SARAVAGAN PRABHU Advocate

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

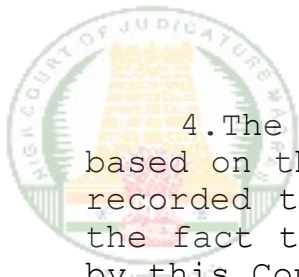
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody since 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 2019, on the file of the respondent police, seek 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 Vedasandur at about 11.00 p.m., the petitioners and other accused persons were standing there along with motor bikes. On enquiry, it reveals that they 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 petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He further submitted 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 Government Advocate (Crl.side) 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.

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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 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, Veda sandur, Dindigul District, 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 petitioners shall report before the Inspector of Police, Dindigul, 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/-

07/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION, DINDIGUL DISTRICT.

5 THE INSPECTOR OF POLICE, DINDIGUL.

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

+1. CC to Mr.S.SARAVAGAN PRABHU Advocate SR.No.4433

PS/PN/SAR-2/07.03.2019/3P/8C

ORDER

IN

CRL OP (MD) No.3530 of 2019

Date :07/03/2019