



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

Friday, the Twenty Ninth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4771 of 2019

1 M. JEYAKANNAN

2 M. MANIKANDAN

... PETITIONERS / 1st & 2nd ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME ONO.56/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SELVAKUMAR 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 :-

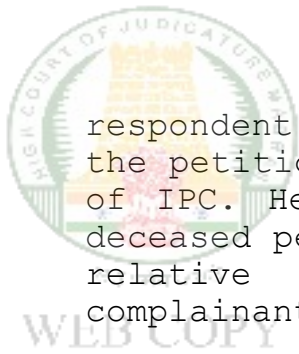
The petitioners, who were arrested and remanded to judicial custody since 20.01.2019 for the offences punishable under Sections 294(b), 341, 342 and 302 of IPC in Crime No.56 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was enmity between the A1 and the deceased persons. However A2 had love affair with the relative of the deceased person in which there was a quarrel in between them for which A2 and other persons have attacked the deceased person brutally , thereby he sustained injuries and died. Hence, 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. He would further submit that earlier there was dispute among themselves for which they attacked each other , thereby the deceased sustained injuries and lost his life and there is no intention to commit murder Accordingly, he prayed for bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor appearing for the



respondent would submit there are two previous cases pending against the petitioner under Sections 307 of IPC and Sections 326 and 506(i) of IPC. He would also submit that the first accused attacked the deceased person. A2 arranged A1 in order to succeed his love with the relative of the deceased and thereby attacked the defacto complainant.

5. Considering the facts and circumstances of the case and considering the fact there are two previous cases pending against the first petitioner, this Court is not inclined to grant bail to the first petitioner. However considering the facts and circumstances of the case and also considering period of incarceration, this Court is inclined to grant bail to the second petitioner.

6. Accordingly, the second petitioner is ordered to be released on bail on their 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, for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi 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 the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the the second 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 the second petitioner in accordance with law as if the conditions have been imposed and the the second 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;

7. As regards the first petitioner, since there are two cases pending against him, bail application is dismissed.

sd/-
29/03/2019

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE NO-I,
SIVAKASI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON,VIRUDHUNAGAR.
- 5 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

PS/VR/SAR-1/29.03.2019/3P/6C

ORDER

IN

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Date :29/03/2019