



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.526 of 2019

RAJKUMAR

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
IN CRIME NO.199/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR, Advocate

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

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

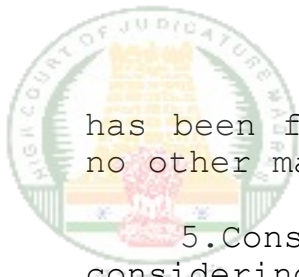
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 06.12.2018 for the offences punishable under Section 302 IPC in Crime No.199 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the defacto complainant is the daughter of the deceased. Since her mother was died, the deceased live runagate life. Each and every day, the deceased used to consume drug and also used to sleep in front of the pawnbroker shop belongs to Maliyan at Moolakadai. While being so, on 09.04.2018 at about 05.30 A.M., one Jeyaraman, who hails from her village, has informed that the defacto complainant's father died near pawnbroker shop. Immediately, she rushed to the spot and found that her father was died, due to multiple cut injuries sustained by him.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) for the respondent would submit that the petitioner is arrayed as sole accused in this case and he was arrested on 06.12.2018. Thereafter, charge sheet



has been filed before the concerned Court. Except his confession, no other materials are against the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Aundipatti, and on further condition that:

[a] the petitioner shall appear before the trial Court on all hearing dates.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, AUNDIPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.797

ORDER IN

CRL OP(MD) No.526 of 2019

Date :11/01/2019