



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

Wednesday, the Tenth day of April Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.5446 of 2019

M.JEYAKANNAN

... PETITIONER / 1<sup>st</sup> ACCUSED

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE  
SIVAKASI TOWN POLICE STATION,  
VIRUDHUNAGAR DISTRICT  
Crime No.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.

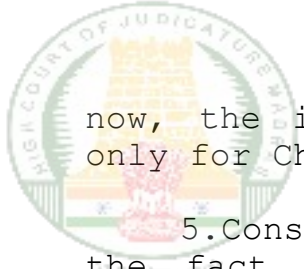
**ORDER :** The Court Made the following order :-

The petitioner who was arrested and remanded into the judicial custody from 20.01.2019 for the offence under Sections 294(b), 341, 342 and 302 of IPC, in Cr.No.56 of 2019 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution 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 the deceased sustained injuries and died. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the co-accused in this case has been already enlarged on bail.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner's earlier bail application was dismissed since he is having two previous cases against him and



now, the investigation was almost completed and they are waiting only for Chemical Analysis Report.

5. Considering the facts and circumstances of the case and the fact that the investigation has been almost completed and considering the period of incarceration and since the co-accused has been enlarged on bail, I am 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, of whom, one should be a blood related surety, each 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 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 twice at 10.30 a.m. and 5.00 p.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/-  
10/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO I,  
SIVAKASI.

2. THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE  
SIVAKASI TOWN POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

4. THE OFFICER INCHARGE,  
DISTRICT PRISON, VIRUDHUNAGAR.

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

+1. CC to Mr.S.SELVAKUMAR Advocate SR.No.6506

ORDER

IN

CRL OP (MD) No.5446 of 2019

Date :10/04/2019

TK/MMS/SAR-2/10.04.2019/3P/7C