



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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5568 of 2019

C.RAJAKANI

... PETITIONER / ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THEDEER NAGAR POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.160/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.NIRANJAN.S.KUMAR, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 24.03.2019 for the offence punishable under Section 302 of IPC @ 120(b), 302 r/w Section 34 of IPC in Cr.No.160 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the father of the deceased. Due to some misunderstanding between the son of the defacto complainant and his wife viz., Anitha, she left from matrimonial Home. Thereafter, she got married with her maternal uncle viz., Senthilkumar. On 22.03.2019, the Defacto complainant and his wife had come to the Police station for enquiry. At that time of enquiry, the petitioner and other person were present in the police station. Due to wordy altercation, the deceased left from the police station. Thereafter, they came to know that the deceased was injured and died. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the deceased is the first husband of the said Anitha. Thereafter, due to incompatibility between the said Anitha and the deceased person she left to her matrimonial home and performed another marriage with her own uncle. He would further submit that the petitioner



is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is not available in the scene of occurrence and there is no specific overt act against the petitioner. Hence, he prays for bail.

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4.The learned Government Advocate (Crl. Side) would submit that the petitioner is not present in the scene of occurrence and there is no specific overt act against the petitioner. He would further submit that based on the confession statement given by the co-accused the petitioner is impleaded in the said case.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that there is no specific overt act against the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai 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 petitioner shall report before the nearest All Women Police Station daily at 6.00 p.m., for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner 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/-

12/04/2019

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TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON (WOMEN) ,
MADURAI.
 4. THE INSPECTOR OF POLICE
THE DEER NAGAR POLICE STATION, MADURAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.NIRANJAN.S.KUMAR Advocate SR.No.6657

ORDER

IN

CRL OP (MD) No.5568 of 2019

Date :12/04/2019

MS/MMS/SAR-4/12.04.2019/3P.7C