



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5673 of 2019

BOSE @ BOSEMANI

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
Crime No.7 of 2015

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.JEGADEESWARAN 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 was arrested and remanded to judicial custody since 03.01.2019 for the offences punishable under Sections 302, 506 (ii) IPC in Crime No.07 of 2015, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner attacked his wife with grinder stone by suspecting her moral character, thereby, the deceased lost her life. Hence, the petitioner was arrested and remanded to judicial custody.

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. The learned counsel for the petitioner submitted that initially, the Court below granted bail to the petitioner. Thereafter, the Law Enforcing Agency conducted investigation and filed a charge sheet before the concerned Court. In the mean time, the case was posted for trial. On 11.10.2018, The Mahila Court, Pudukkottai, issued non bailable warrant against the petitioner for his non appearance. On 03.01.2019, the petitioner was arrested.



4.The learned Additional Public Prosecutor for the State submitted that there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case, considering the fact that there is no previous case pending against the petitioner 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Keeranur 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 respondent police daily at 10.30 a.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/-
16/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, KEERANUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

4. THE OFFICER INCHARGE,
SUB JAIL, PATTUKOTTAI.

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

+1. CC to Mr.R.JEGADEESWARAN Advocate SR.No.6947

ORDER

IN

CRL OP (MD) No.5673 of 2019

Date :16/04/2019

TK/JC/SAR-4/22.04.2019/3P/7C