



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6170 of 2019

KOOLU @ KALIDAS

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AVUDAIYARKOVIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.16/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SURESH, 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 to judicial custody since 04.03.2019 for the offences punishable under Sections 294(b), 302 and 506(i) of IPC Crime No. 16 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased person is an accused in an earlier case and he attempted to commit rape on a girl child aged about 8 years , for which the respondent police registered a case against him. On 03.02.2019 the defacto complainant , who is the maternal uncle of the eight years girl child and one Kasi viswanathan attacked the deceased using hands and abused him in filthy language and also threatened with dire consequences. later on the deceased persons relatives also attacked the deceased and he succumbed to the injury and died in the hospital. Hence the complainant..

3.The learned for the petitioner would submit that the petitioner would submit that on earlier occasion this Court dismissed the bail application on the ground that there are two previous cases pending against the petitioner. He would also submit that one case under Section 302 of IPC ended in acquittal and the other case under Section 307 of IPC is pending trial.

4.The learned Government Advocate (Crl.Side) would submit that <https://hcservices.ecourts.gov.in/hcservices/> did not dispute the fact submitted by the learned counsel for the petitioner.



5. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that one case ended in acquittal, 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, Aranthangi 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/-

27/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE
AVUDAIYARKOVIL POLICE STATION, PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.M.SURESH Advocate SR.No.7492

ORDER IN

CRL OP(MD) No.6170 of 2019

Date :27/04/2019