



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6206 of 2019

GOKULAMOORTHY

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME .NO.27 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.BALAJI 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 26.02.2019 for the offences punishable under Section 302 of Crime No. 27 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.02.2019 at about 11.00 p.m the deceased along with petitioner and other while consuming alcohol, they attacked each other, in which the deceased sustained injuries and died. Hence the complainant..

3.The learned for the petitioner would submit that the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is innocent.

4.The learned Additional Public Prosecutor would submit that the petitioner accompanied with other persons and committed the murder. He would also submit that there is no previous case pending against the petitioner and investigation is almost completed.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that there is no case pending 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 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.II, Srivilliputhur 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 NO.II,
SRIVILLIPUTHUR.

<https://hcservices.ecourts.gov.in/hcservices/>
2. TO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3. THE SUB INSPECTOR OF POLICE,
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.V.BALAJI Advocate SR.No.7508

ORDER

IN

CRL OP (MD) No.6206 of 2019

Date : 27/04/2019

TK/PN/SAR-4/27.04.2019/3P/7C