

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.6760 of 2019

S.VELMURUGAN

... PETITIONER / ACCUSED No.2

Vs

STATE THROUGH
THE SUB-INSPECTOR OF POLICE
THIDEERNAGAR POLICE STATION,
MADURAI DISTRICT
CR.NO.196/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.VENKATESAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, was arrested and remanded to judicial custody on 22.04.2019 for the offences punishable under Section 302 and 201 of IPC, in Crime No.196 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute, the first accused is said to have kicked the defacto complainant's husband and committed the murder. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 22.04.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is almost completed and viscera report is yet to be received for filing charge sheet.

5.The submissions made by the learned counsel appearing on either side are considered.

6.The alleged offence had happened only due to the money transaction. The allegation levelled in the F.I.R and the statements obtained by the investigation officer from the witness would reveal that the petitioner attempted to commit the offence. The counter affidavit filed by the learned Government Advocate (criminal side) would disclose that during the time of custody, the petitioner fell down and immediately he was taken to Government Hospital, Madurai. Moreover, the petitioner is the first offender and he is in judicial custody from 22.04.2019. As of now the portion of the investigation has been completed and thereby, further detention is not necessary for completing investigation. Hence, considering the above facts and circumstances of the case, particularly on considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate NoV, Madurai.

[ii] the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(iii) the petitioner shall stay at Dharmapuri and report before the Inspector of Police, Town Police Station, Dharmapuri, daily at 10.00 a.m. until further orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-

29/05/2019

/ TRUE COPY /

TO

1.THE JUDICIAL MAGISTRATE NO V,
MADURAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE SUB-INSPECTOR OF POLICE
THIDEERNAGAR POLICE STATION,
MADURAI DISTRICT.

4.THE INSEPCTOR OF POLICE
TOWN POLICE STAION, DHARMAPURI.

5.THE SUPERINTENDENT
CENTRAL PRIOSON, MADURAI.

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

+1. CC to Mr.M.VENKATESAN Advocate SR.No.8814

ORDER
IN
CRL OP(MD) No.6760 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C

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