



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

Date : 07/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7063 of 2019

Kaviyarasan

... Petitioner/Accused No.16

Vs

State Rep.By
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District
Cr.No.161/2017.

... Respondent/Complainant

For Petitioner : M/s.R. Jegadeeswaran,
Advocate.
For Respondent : M/S. M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

ORDER : The Court Made the following order :-

This petition has been filed by the Accused-16 seeking bail for the alleged offence under Sections 147,148,341,342,307,302,506(ii), 120(b) and 107 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to communal clash A1 attacked the deceased Nagarajan. He further submitted that according to the prosecution when the injured lakshman was raising alarm, the petitioner and other accused persons shut his mouth and except this allegation, there is no other specific overt act attributed against this petitioner . He would further submit that the accused was arrested and remanded to judicial custody on 16.04.2019. Hence he prayed for bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that totally there are 39 accused involved in the above case, out of which 26 accused including the petitioner herein was arrested and remanded to judicial custody and subsequently except this petitioner all other 25 accused were released on bail. She further submitted that four accused were released on anticipatory bail. She further



submitted that there are three cases pending against the petitioner under Section 307 of IPC, however she fairly conceded that the petitioner was released on bail in the other cases.

5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner was released on bail in other three cases and also considering the fact that some of the co-accused were released on bail and anticipatory bail, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R. JEGADEESWARAN Advocate SR.No.9232

ORDER IN

CRL OP(MD) No.7063 of 2019

Date :07/06/2019