

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) Nos.7069 & 7086 of 2019

MURUGANANTHAM, ... PETITIONER / ACCUSED No.4
in CRL OP(MD).NO.7069 of 2019

PREMA ... PETITIONER/ACCUSED NO.9
IN CRL OP(MD).NO.7086 of 2019

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.78/2019)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : MR.S.M.SANJAY Advocate
in CRL OP(MD).NO.7069 of 2019

: MR.P.MUTHUSAMY, Advocate
IN CRL OP(MD).NO.7086 of 2019

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who is arrayed as accused Nos.4 and 9 respectively, were arrested and remanded to judicial custody on 28.03.2019 for the offences punishable under Sections 147, 148, 341, 294(b), 506(ii) and 302 of IPC @ Sections 120(b), 147, 148, 341, 294 (b), 506(ii) and 302 of IPC in Crime No.78 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to family dispute, the petitioners and other accused persons is said to have assaulted the defacto complainant's son/Prabhu with Aruval and knief 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 petitioners submitted that the petitioners are innocent person and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 28.03.2019. 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 petitioners are the first offenders and they are in judicial custody from 28.03.2019, the learned Government Advocate (criminal side) fairly conceded that a substantial 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 petitioners on bail subject to some stringent conditions. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

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

[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 petitioners shall stay at Theni and report before the Inspector of Police, Town Police Station, Theni, daily at 10.00 a.m. until further orders.

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

(v) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 /

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

TO

- 1 THE JUDICAIL MAGISTRATE,
DEVAKOTTAI.
- 2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
THENI.
- 5 THE SUPERINDENTENT,
CENTRAL PRISON,
MADURAI.
- 6 THE SUPERINDENTENT,
CENTRAL PRISON FOR WOMEN,
MADURAI.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to MR.S.M.SANJAY Advocate SR.No.8798
+1. CC to MR.P.MUTHUSAMY Advocate SR.No.8794

ORDER
IN

CRL OP(MD) Nos.7069 & 7086 of 2019
Date :29/05/2019

LS
AE/MMS/SAR-IV (30.05.2019) 3P 10C