

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.7215 of 2019

KUNJU MOHAMMED, ... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(IN CRIME NO.54 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S. CONSCIOUS ILANGO 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 sole accused, was arrested and remanded to judicial custody on 09.04.2019 for the offences punishable under Section 294(b), 307, 302 of IPC and Section 4 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, in Crime No.54 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute, the petitioner is said to have poured kerosene on the deceased 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 09.04.2019. 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. Admittedly, the petitioner is the first offender and he is in judicial custody from 09.04.2019. The learned Government Advocate (criminal side) fairly conceded that a portion of the investigation has been completed, thereby, further detention is not necessary for completing investigation. Hence, considering the above facts and circumstances of the case and also 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, Karaikudi.

[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 Chengalpattu and report before the Inspector of Police, Town Police Station, Chengalpattu, 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 /

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

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
CHENGALPATTU.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

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

+1 CC to MR.V.SASI KUMAR, Advocate (SR-8799[I] dated 29/05/2019)

ORDER
IN

CRL OP (MD) No.7215 of 2019

Date :29/05/2019

LS/MR

AE/MMS/SAR-IV (30.05.2019) 3P 8C

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