

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.7435 of 2019

SANTHOSHKUMAR

...PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
 THE INSPECTOR OF POLICE
 THIRUPPALAIKUDI POLICE STATION,
 RAMANATHAPURAM DISTRICT.
 CR.NO.24 of 2019

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.S.MUTHUMALAIRAJA 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 the sole accused, was arrested and remanded to judicial custody on 25.03.2019 for the offences punishable under Section 294(b), 307 and 302 of IPC in Crime No.24 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.03.2019 at 08.30 p.m., the petitioner is said to have attacked the defacto complainant with iron rod. At that time, when the deceased intervened to pacify them, the petitioner also assaulted the deceased with iron rod and caused death. 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 his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 25.03.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that there is no previous case against the petitioner. He further submitted that the substantial portion of the investigation is completed and the viscera report is yet to be received.

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

6.From the averments made in the FIR, it appears that the petitioner has committed the offence without any motive. However, he is in judicial custody from 25.03.2019. Further, as per the version of the learned Government Advocate (Criminal Side), substantial portion of the investigation has been completed. Hence, further detention of the petitioner is not necessary for the prosecution to complete the investigation. Hence, considering the above facts and circumstances, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram.

[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 Kanyakumari and report before the Inspector of Police, Town Police Station, Kanyakumari 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 co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(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 I
RAMANATHAPURAM.

2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE INSEPCTOR OF POLICE
TOWN POLICE STATION, KANYAKUMARI.

5.THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.S.MUTHUMALAIRAJA Advocate SR.No.8812

ORDER
IN
CRL OP(MD) No.7435 of 2019
Date :29/05/2019

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

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