



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

Monday, the Seventeenth day of June Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7488 of 2019

1 INDIRA
2 PRASATH

... PETITIONERS / ACCUSED NO.3 & 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 41 OF 2019)

... RESPONDENT / COMPLAINANT

MEENABAL

... PETITIONER/ INTERVENER

For Petitioner : MR.R.JEGADEESWARAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

For Intervener : MR.M.S.JEYAKARTHIK, Advocate

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

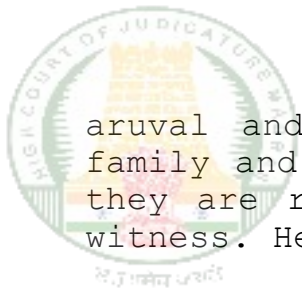
ORDER : The Court Made the following order :-

This petition has been filed by the Accused-3 and 4 seeking bail for the alleged offence under Sections 294(b), 324,307, 302 and 506(ii) of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that he is withdrawing the petition insofar as the first petitioner is concerned. He further submitted that due to some land dispute the petitioner along with others attacked the defacto complainant and caused injuries, thereby he died. He further submitted that the petitioners were arrested on 21.04.2019 and for the past 55 days they are in custody. He further submitted that as against the first petitioner one case is pending under section 506(ii) of IPC and as against the second petitioner no previous case is pending. He further submitted that by this time investigation might have been completed. Therefore he prayed to grant bail to the second petitioner.

4. The learned counsel for the intervenor would submit that due to some land dispute the petitioners attacked the deceased with



aruval and he died. He further submitted that both the deceased family and the petitioners are residing in the same village and if they are released on bail, there is a possibility to tamper the witness. Hence he objected to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to some land dispute the petitioner along with others attacked the defacto complainant and caused injuries, thereby he died. He further submitted that as against the first petitioner one case is pending and as against the second petitioner no previous case is pending and if the petitioners are released on bail they will indulge in similar type of offences and hence he strongly opposed for granting bail to the petitioners.

5. Taking into consideration that the petitioners are in custody for the past 55 days and also considering the fact there are no previous case pending against the petitioner and also considering the fact that major part of the investigation might have been completed, this Court is inclined to grant bail to the second petitioner by imposing conditions:

[a] the second 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 Judicial Magistrate, Paramakudi, Ramanathapuram District.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

6. As regards the first petitioner, this petition is dismissed as withdrawn

sd/-

17/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.R.JEGADEESWARAN Advocate SR.No. 9774

ORDER

IN

CRL OP (MD) No.7488 of 2019

Date :17/06/2019

JM/VR/SAR 1/17.06.2019/3P/7C