

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.7508 of 2019**

D.SIVAKUMAR, ... PETITIONER / ACCUSED No.A1

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
PANTHANALLUR POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.54/2019) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.CHANDRAPANDI 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 accused No.1, was arrested and remanded to judicial custody on 16.03.2019 for the offences punishable under Sections 341, 294(b) and 307 of IPC in Crime No.54 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is having love affair with the defacto complainant's daughter and on that motive, the petitioner along with the other accused has waylaid the defacto complainant and attacked with Aruval. 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 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 16.03.2019. Hence, he prays for bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side) appearing for

the State fairly conceded that substantial portion of investigation is completed and medical report alone is yet to be received for completing investigation.

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

6.Considering the stage of investigation, further detention is not necessary for completing investigation. The petitioner is the first offender. Hence, considering the facts and circumstances of the case and also 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 Court No.I, Kumbakonam.

(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 Coimbatore and report before the Inspector of Police, Saravanampatti Police Station, Coimbatore, 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 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,  
KUMBAKONAM.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,  
PANTHANALLUR POLICE STATION,  
THANJAVUR DISTRICT.

4.THE INSPECTOR OF POLICE,  
SARAVANAMPATTI POLICE STATION,  
COIMBATORE.

5.THE SUPERINDENTENT,  
CENTRAL PRISON, TRICHY.

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

+1 CC to MR.V.CHANDRA PANDI, Advocate ( SR-8822[I] dated  
29/05/2019 )

ORDER  
IN

CRL OP (MD) No.7508 of 2019  
Date :29/05/2019

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

सत्यमेव जयते

WEB COPY