



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7564 of 2019

1. Krishnan
2. Gopal
3. Sundar

... Petitioners/Accused Nos.1, 2 & 5

Vs

The State Rep.By
The Inspector of Police,
Manikandam Police Station,
Trichy District.
Crime No.38/2019.

... Respondent/Complainant

For Petitioners: M/s.R.Rajaraman,
Advocate.

For Respondent : V.Neelakandan,
Govt.Advocate (Crl.Side).

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

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.1, 2 & 5 seeking bail for the alleged offence punishable under Sections 147, 148, 294 (b), 506 (ii) and 307 of IPC of IPC, in Crime No.38 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have been falsely implicated in this case and he further submitted that the injured already discharged from the hospital. He further submitted that the petitioners were arrested and remanded judicial custody on 03.05.2019 and they are in custody for the past 40 days and hence, he prayed to grant bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally five accused involved in this case and the petitioners herein are accused No.1 & 2 and they were arrested and remanded to judicial custody on 03.05.2019. He further submitted that the accused No.3 & 4 are still



in absconding and hence, he opposed this petition. However, he fairly conceded that already injured discharged from the hospital.

5. Taking into consideration of the fact that the petitioners are in custody for the past 40 days and also the fact that the injured already discharged from the hospital, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No. IV, Trichy.

[b] the petitioners shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 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.

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sd/-

10/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.RAJARAMAN Advocate SR.No.9336

ORDER IN

CRL OP(MD) No.7564 of 2019

Date : 10/06/2019