

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7680 of 2019

Senthilkumar

... Petitioner/ Accused-5

Vs

The State Rep.By
The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
Crime no.30/2019.

... Respondent/Complainant

For Petitioner : M/s.K.Vamanan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petition has been filed by Accused No.5 seeking bail for the alleged offence punishable under Sections 147, 148, 323, 324, 506(II) and 302 of IPC, in Crime No.76 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the First Information Report, the petitioner herein has pushed down the deceased along with other accused persons and kicked on his chest. He further submitted that the petitioner is in custody from 08.04.2019 i.e., for the past 59 days. He further submitted that due to civil dispute, the petitioner has been falsely implicated in the above said case. He also submitted that by this time the investigation would have been completed and therefore, he prayed to grant of bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally six accused persons have involved in the above case. On 07.04.2019 at about

02.00 p.m., due to previous enmity, all the accused unlawfully assembled and they went to the Wine Shop Bar, they attacked the deceased with deadly weapons. He further submitted that all the accused persons were arrested and remanded to judicial custody and the investigation is still in pending and hence, he strongly opposed this petition.

5. Taking into consideration of the fact that the petitioner is in custody for the past 59 days and also the allegation against him is that he pushed down the deceased and kicked on his chest and other accused persons attacked with deadly weapons and also the fact that there is no bad antecedents against the petitioner, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the 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 learned Additional District Munsif-cum-Judicial Magistrate, Veda sandur.

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

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

sd/-

06/06/2019

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

<https://hcservices.courts.gov.in/hcservices/>
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

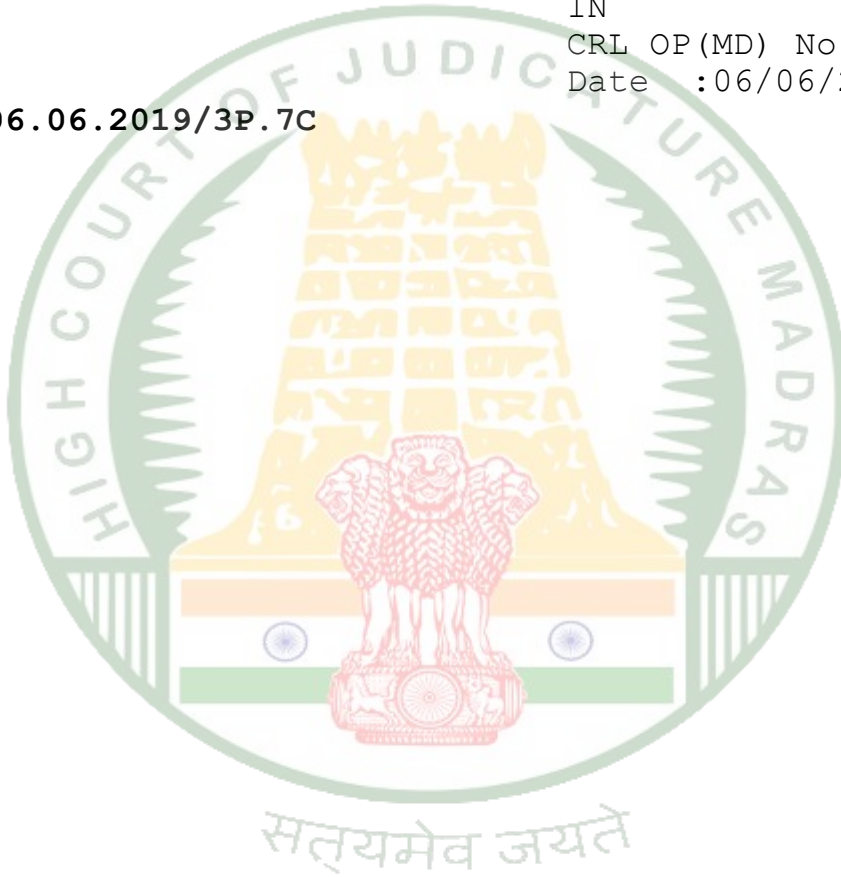
4. THE INSPECTOR OF POLICE,
GUZILAMPARAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to Mr.K.VAMANAN Advocate SR.No.9161

ORDER
IN
CRL OP(MD) No.7680 of 2019
Date :06/06/2019

MS/VR/SAR-1/06.06.2019/3P.7C



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