



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7819 of 2019

K. Dharmaraj

... Petitioner/Accused No.1

Vs

STATE REP. BY

The Inspector of Police,
Thedeer Nagar Police Station,
Madurai District.

In Crime No.196/2019.

... Respondent/Complainant

For Petitioner : Mr.Niranjan.S.Kumar,
Advocate.

For Respondent : V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in crime no.196/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Section 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit due to some financial transactions between the petitioner and the deceased, there was a wordy quarrel, due to which they attacked each other with hands and in the mean time the police intervened and brought both of them to the police station , there the deceased sustained heart pain and was taken to hospital, but he died on the way to hospital. he further submitted that the petitioner surrendered before the learned Judicial Magistrate No.II Salem on 26.04.2019 and



he is still in custody. He would also submit that earlier bail application was dismissed by this Court on the ground that the investigation is at the preliminary stage. He further submitted that by this time investigation might have been completed. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to some financial transactions between the petitioner and the deceased, there was a wordy quarrel, due to which they attacked each other with hands and in the mean time the police intervened and brought both of them to the police station, there the deceased sustained heart pain and was taken to hospital, but he died on the way to hospital. However he opposed the petition on the ground that investigation is still pending.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody from 26.04.2019 and by this time major part of the investigation might have been completed 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 Judicial Magistrate No.V, Madurai.

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

[d] the 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 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/-

17/06/2019

/ TRUE COPY /



TO

1. JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THEDEER NAGAR POLICE STATION,
MADURAI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.NIRANJAN S.KUMAR, Advocate SR.No. 69157

ORDER

IN

CRL OP(MD) No.7819 of 2019

Date : 17/06/2019

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