



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

Wednesday, the Nineteenth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7951 of 2019

M.BOTHIRAJ

... PETITIONER / ACCUSED A6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.227 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.SARAVANAN 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 :-

This petition has been filed by the petitioner/ Accused No.6 seeking bail for the alleged offence under Sections 147,148,302 and 506(ii) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit due to previous enmity the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 24.04.2019 and he is in custody for the past 56 days. He would also submit that there are so many previous cases pending against the deceased. He would also submit that no weapon has been seized from the petitioner. He would submit that there is no previous case pending against the petitioner. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner herein is arrayed as A6. He would further submit that due to previous enmity on 23.04.2019 at about 09.30 a.m the petitioner herein along with other accused unlawfully assembled together with deadly weapons and attacked the defacto complainant's husband Karthick at Dindigul Hanumanth Nagar over



bridge with aruval and patta kathi and caused death. He would also submit that based on the confession statement give by A1, the petitioner herein was implicated in the above case. Hence he opposed to grant bail to the petitioner. However he fairly conceded that no previous case is pending against the petitioner.

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5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 56 days and also considering the fact that there is no previous case is pending against the petitioner and also considering the fact that no weapon has been seized from 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 Judicial Magistrate No.II, Dindigul.

[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/-

19/06/2019

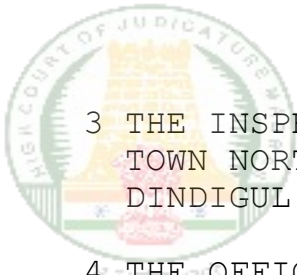
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

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



3 THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.

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

+1. CC to M/S.P.SARAVANAN Advocate SR.No. 9992

ORDER

IN

CRL OP (MD) No.7951 of 2019

Date :19/06/2019

JM/VR/SAR 3/19.06.2019/3P/7C