



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.798 of 2019

S.BABU

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
BALAMEDU POLICE STATION,
MADURAI DISTRICT.
CRIME NO.214/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.SABEER MOHAMED, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 14.11.2018 for the offences punishable under Sections 294(b), 302, 342 and 506(ii) of IPC in Crime No.214 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's husband(deceased) is having illicit relationship with A1's wife and thereafter A1 and his wife was living separately. Thereafter A1 and his wife met the deceased and made a wordy quarrel with the deceased. On 12.11.2018 at about 06.30 a.m when the deceased went to the tea shop to two unknown persons came in two wheeler and attacked the deceased with knife and aruval. The deceased sustained multiple injuries and died on the spot. Based on the confession statement this petitioner is being implicated in this case.

3. The learned counsel for the petitioner would submit that the petitioner is the friend of A1 and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner's name does not find place in the First Information Report.

4. The learned Government Advocate(Crl.Side) would submit investigation is pending in this case.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 Judicial Magistrate, Vadipatti and on further condition that:

[a] the petitioner shall appear before the Tallakulam Police Station daily at 10.30 a.m until further orders.

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE
BALAMEDU POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION.

+1. CC to Mr.I.SABEER MOHAMED Advocate SR.No.1901

ORDER IN

CRL OP(MD) No.798 of 2019

Date :31/01/2019