



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

Date : 12/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8009 of 2019

Sakthivel

... Petitioner/Accused No.2

-Vs-

State Rep.by
The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
in Crime No.16/2019.

... Respondent/Complainant

For Petitioner : M/s.J.William Christopher,
Advocate.

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

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

PRAYER :- For Bail in Crime No.16/2019 on the file of the respondent police.

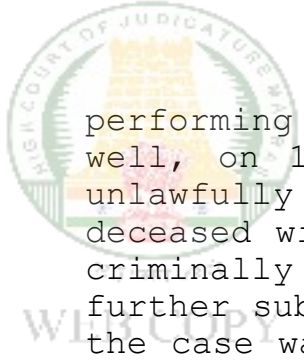
ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.2 seeking bail for the alleged offence punishable under Section 147, 148, 294 (b), 324, 506 (2), 307 & 302 IPC, in Crime No.16 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in this case. He further submitted that even as per the FIR, the overt act attributed against the petitioner is that he along with other accused persons criminally intimidated the defacto complainant by showing aruval. He further submitted that the petitioner was arrested on 21.03.2019 and remanded to judicial custody and he is in custody for the past 81 days. He further submitted that by this time, the investigation might have been completed and therefore, he prayed to grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally 7 accused were involved in this case and due to previous enmity with regard to



performing temple festival and also taking water in a common bore well, on 17.03.2019, at about 05.00 p.m., all the seven accused unlawfully assembled armed with deadly weapons and attacked the deceased with deadly weapons and caused grievous injurious and also criminally intimidated the defacto complainant and others. He further submitted that the deceased was admitted in the hospital and the case was initially registered under Sections 147, 148, 294 (b), 324, 506 (2) & 307 of IPC and subsequently, the deceased succumbed to the injuries and hence, the case was altered into Sections 147, 148, 294 (b), 324, 506 (2), 307 & 302 IPC. He further submitted that accused No.1,2 & 3 were already arrested and remanded to judicial custody on 21.03.2019, but the accused Nos.4 to 7 are still absconding and the investigation is not yet completed and hence he strongly opposed this petition. However, he fairly conceded that the petitioner is not having any bad antecedent.

5. Taking into consideration of the overt act attributed against the petitioner and also the fact that the petitioner is in custody for the past 81 days and by this time, a major portion 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 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, Thirumayam, Pudukottai District.

[[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 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.

sd/-
12/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM,
PUDKOTTAI DISTRICT.

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

3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

4. THE INSPECTOR OF POLICE,
ARIMALAM POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.J.WILLIAM CHRISTOPHER Advocate SR.No.9476

ORDER

IN

CRL OP(MD) No.8009 of 2019

Date :12/06/2019

MS/VR/SAR-2/12.06.2019/3P.7C