



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8011 of 2019

Vignesh

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
Crime No.91 of 2019

... Respondent/Complainant

For Petitioner : M/s.D.S.Haroon Rasheed,
Advocate.

For Respondent : V.Neelakandan,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For bail petition in cr.no.91 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the Accused-2 seeking bail for the alleged offence under Sections 174 Cr.P.C @ 302 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that originally the First Information Report was registered under Section 174 Cr.P.C and subsequently it was altered to section 302 of IPC and the petitioner was arrested and remanded to judicial custody on 04.04.2019. He further submitted that as per the prosecution case, the first accused is the owner of the auto bearing registration No. TN 58 X 6742 and he has leased out the said auto to the petitioner herein and due to previous enmity both the first accused and the petitioner herein went in the said auto to Jovilnaickanur bus stop and attacked the deceased with hand and also hit in a wall and the



accused died. He further submitted that the original RC of the aforesaid auto stands in the name of one Ayyappan and the very allegations is that A1 is the owner of the said auto and he leased out the said auto to the petitioner herein is false. He further submitted that there is no evidence to implicate the petitioner herein. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that it is true that originally the said auto belong to one Ayyappan, but the said Ayyappan had sold the said auto to A1, but the name was not transferred. He further submitted that from the investigation it is revealed that both the accused persons attacked the deceased with hands and also hit on wall and the accused died. He further submitted that investigation is still pending and therefore he opposed this petition.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 70 days and 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 learned Judicial Magistrate No.II, Usilampatti

[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/-
12/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
 4. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, MADURAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.S.HAROON RASHEED Advocate SR.No.9461

ORDER
IN
CRL OP (MD) No.8011 of 2019
Date :12/06/2019

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