



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

Date : 25/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8101 of 2019

Balaji

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Town North Police Station,
Dindigul District.
Crime No.227/2019

... Respondent/Complainant

For Petitioner : M/s.C.Mayilvahana Rajendran, Advocate.

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

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

PRAYER :-

For Bail in Crime No.227 of 2019 on the file of the respondent police.

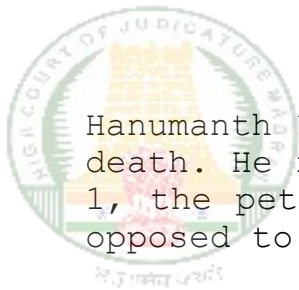
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.2 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 has submitted that due to previous enmity the de-facto 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 17.05.2019 and he is in custody for the past 39 days. He further submitted that A-6 was already granted bail by this Court in Crl.O.P.(MD) No.7951 of 2019 dated 19.06.2019. He further submitted that there are so many previous cases pending against the deceased. 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 has submitted that the petitioner herein is arrayed as A-2. He further submitted that due to previous enmity, the petitioner herein along with other accused unlawfully assembled together with deadly weapons and attacked the de-facto complainant's husband Karthick at Dindigul



Hanumanth Nagar over bridge with aruval and patta kathi and caused death. He further submitted that based on the confession given by A-1, the petitioner herein was implicated in the above case. Hence he opposed to grant bail to the petitioner.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 39 days 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 learned Judicial Magistrate No.II, Dindigul District.

[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/-

25/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.
4. THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.MAYILVAHANA RAJENDRAN Advocate SR.No.10406

ORDER IN

CRL OP(MD) No.8101 of 2019

Date :25/06/2019