



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

Friday, the Fourteenth day of June Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8225 of 2019

MUKESHPANDI @ MODI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.106/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.SARAVANAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

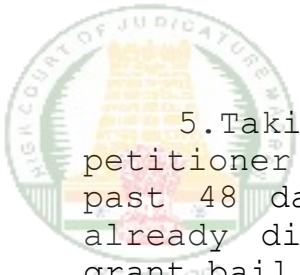
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.3 seeking bail for the alleged offence under Sections 294(b), 323,364,109 of IPC @ 294(b), 323,364,307 r/w.109 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that he was arrested and remanded to judicial custody on 24.04.2019 and he is in custody for the past 48 days. He further submitted that already A1 and A2 got anticipatory from this Court and the previous petition which was filed by the petitioner in Crl.O.P(MD) NO.7572 of 2019 was dismissed by this Court on the ground that at that time the injured was not discharged from the hospital and subsequently the injured was discharged from the hospital. He further submitted that there are seven previous cases pending against the petitioner and in those cases the petitioner was released on bail. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are seven cases previous pending against the petitioner. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the injured was already discharged from the hospital.



5. Taking into consideration the allegations made against the petitioner and also the fact the petitioner is in custody for the past 48 days and also considering the fact that the injured was already discharged from the hospital this Court is inclined to grant bail to the petitioner by imposing conditions:

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[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, Ramanathapuram 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 trial.

[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/-
14/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.



4 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.

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

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+1. CC to M/S.N.SARAVANAN Advocate SR.No. 9702

ORDER
IN
CRL OP (MD) No.8225 of 2019
Date :14/06/2019

JM/VR/SAR 2/14.06.2019/3P/7C