



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

Friday, the Fourteenth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8230 of 2019

MARUTHUPANDI

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.79/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.A.S.PRABHU 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 seeking bail for the alleged offence under Section 394 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 in the First Information Report, the name of the petitioner has not been mentioned but only based on the confession given by the co- accused, this petitioner has been implicated in the above case. He further submitted that no recovery has been made from this petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 24.04.2019 and he is in custody for the past 40 days. He further submitted that the petitioner already got bail in other previous cases. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are three cases pending against the petitioner under Sections 302, 379 and 399 of IPC. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that no recovery has been made from this petitioner.



5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 40 days and also considering the fact that no recovery has been made from this petitioner, 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, Pattukottai, Thanjavur 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/-

14/06/2019

/ TRUE COPY /

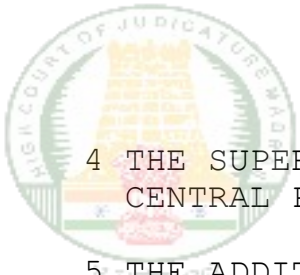
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to M/S.K.A.S.PRABHU Advocate SR.No. 9651

ORDER
IN
CRL OP (MD) No.8230 of 2019
Date :14/06/2019

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