



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

Date : 17/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

WEB COPY

CRL OP(MD) . No.8348 of 2019

1. Bubbes @ Babees	... Petitioners/Accused NO.1
2. Santhosh	... Petitioners/Accused NO.2
3. Vinoth	... Petitioners/Accused NO.3
-Vs-	

State Rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District at
Nagercoil.
(Crime No.116/2019)

... Respondent/Complainant

For Petitioner : M/s.S.Vinodh, Advocate.

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

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

PRAYER :-

For bail in Cr.No.116 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 to 3 seeking bail for the alleged offence under Sections 147,148,294(b), 323,324 and 302 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the case. He further submitted that the petitioner were arrested and remanded to judicial custody on 15.03.2019 and from that date onwards they are in custody. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant was living separately at Saralvilali and on 14.03.2019 the defacto complainant received a phone call that his son's corpse was found near Veerakulam lake with injuries all over the body and when the defacto complainant went to the above lake, the bystanders informed him lastly that the deceased person was seen lastly with his friends near the lake on 13.06.2019. He further submitted that the investigation is completed and charge sheet has



been filed before the concerned Court. However he fairly conceded that no previous case is pending against the petitioners.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody from 15.03.2019 and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his 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 Judicial Magistrate, Eraniel.

[b] the petitioners 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 petitioners 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 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/-

17/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, DISTRICT JAIL, KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE, ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT AT NAGERCOIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.VINODH Advocate SR.No.9816

ORDER IN

CRL OP(MD) No.8348 of 2019

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