



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

Tuesday, the Eighteenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8368 of 2019

1 VISWALINGAM

2 PERUMAL

... PETITIONER / ACCUSED NO.2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
GUZHILAMPARAI POLICE STATION
DINDIGUL DISTRICT.
CRIME NO.30 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.BALAMURUGAPANDI 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 petitioners/ Accused-2 and 3 seeking bail for the alleged offence under Sections 147,148,323,324,506(ii), 302 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 07.04.2019 and from that date onwards they are in custody. Hence he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the due to previous enmity between the accused and the defacto complainant , on 07.04.2019 at about 2.00 p.m while the defacto complainant brother Jeyaprakash is in D. Cuddalore Wine shop, the accused quarrelled with him and on seeing the same, the defacto complainant and his brother Manivel came to the place and at that time the first petitioner herein attacked the deceased with reeper and the second petitioner herein attacked the deceased with bricks, thereby he succumbed to injuries. However, he opposed the bail on the ground that the investigation is still pending.



5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 62 days, this Court is inclined to grant bail to the petitioners by imposing conditions:

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[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, Vedsanthur, Dindigul District.

[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 petitioners 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/-
18/06/2019

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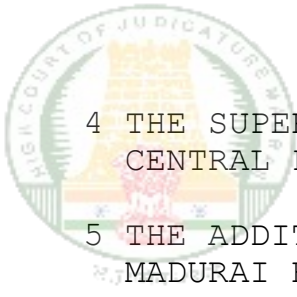
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE,
GUZHILAMPARAI POLICE STATION,
DINDIGUL DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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+1 CC to M/s.D.BALAMURUGA PANDI, Advocate (SR-9890[I] dated
18/06/2019)

ORDER

IN

CRL OP(MD) No.8368 of 2019

Date :18/06/2019

JM/VR/SAR 4/18.06.2019/3P/7C