



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

Date : 21/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.8392 of 2019

Mutheeswaran @ Vadivel

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,,
Uthamapalayam Police Station,
Theni District.
(In Crime No.222/2019).

... Respondent/Complainant

For Petitioner : M/s.S.Vanchinathan,
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. 222/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/Sole Accused seeking bail for the alleged offence punishable under Sections 294 (b) and 302 of IPC in Crime No.222 of 2019.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the petitioner was voluntarily surrendered before the learned Judicial Magistrate NO.IV, Madurai and remanded to judicial custody on 15.04.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to civil dispute, the sole accused/petitioner went to the deceased house and attacked the deceased with Aruval. Thereby, the



deceased died on the spot. He further submitted that investigation is almost over. Hence, he opposed this petition.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 60 days and major part of the investigation might have been completed and also the fact that civil dispute is pending, 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 Judicial Magistrate Court, Uthamapalayam, Theni District;

[b] the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[c] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for the interrogation;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,,
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.VANCHINATHAN Advocate SR.No.10175

ORDER IN

CRL OP(MD) No.8392 of 2019

Date :21/06/2019