



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

Friday, the Twenty Eighth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8425 of 2019

1 BALAMURUGAN

2 MUNEESWARAN

... PETITIONERS / ACCUSED NO.1 AND 2

Vs

STATE REP. BY

THE SUB-INSPECTOR OF POLICE,
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

IN CRIME NO. 62/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHIBASU Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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-1 and 2 seeking bail for the alleged offence under Sections 174 Cr.P.C (Suspicious death) @ 302 and 201 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners were arrested and remanded to judicial custody on 29.04.2019 and from that date onwards they are in custody. He further submitted that there is no eyewitness to the said occurrence. He would further submit that based on the confession given by the co- accused, this petitioner was implicated. He would further submit that no previous case is pending against the petitioners and therefore he prayed to grant bail to the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that originally the FIR was registered under Section 174 Cr.P.C and later it was altered to 302 and 201 of IPC. He would further submit that it is a case of pre planned murder. Hence he strongly opposed



to grant anticipatory bail to the petitioners. 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 for the past 63 days and also the fact that there is no previous case 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) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Rajapalayam.

[b] the petitioners shall report before the Respondent Police, daily at 10.30A.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 trial.

[d] the petitioners 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 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/-
28/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHONAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE SUB-INSPECTOR OF POLICE,
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.G.M.LAW OFFICE SR.No. 10682

ORDER

IN

CRL OP (MD) No.8425 of 2019

Date :28/06/2019

JM/VR/SAR 2/28.06.2019/3P/7C