



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

Wednesday, the Nineteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8468 of 2019

1 POOSAIAH

2 ARUMUGAM

... PETITIONERS / ACCUSED NO.1 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ARIMALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.16/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.WILLIAM CHRISTOPHER Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

For Intervener : MR.K.ARUNRAJ, Advocate

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 3 seeking bail for the alleged offence under Sections 147,148,294 (b),324,506(ii) and 307 IPC @ 147,148,294(b),324,506(ii),307 and 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioners would submit that due to some dispute regarding taking water from the borewell a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 21.03.2019 and they are in custody for the past 91 days. He further submitted that co- accused in this case was released on bail and therefore he prayed to grant bail to the petitioners.

4. The learned counsel appearing for the intervenor has submitted that if the petitioners are released on bail, they will tamper the witnesses and hence he opposed for granting bail to the petitioners.



5. The learned Additional Public Prosecutor would submit that both the injured and the deceased are relatives and have given a complaint against the petitioners and others that on 17.03.2019 due to civil dispute, the petitioners unlawfully assembled with deadly weapons and attacked the defacto complainant and their relative and they were admitted in the hospital and during treatment, one of the injured died in the hospital. Hence he strongly opposed to grant bail to the petitioners. However he fairly conceded that co-accused in this case was granted bail.

6. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody from 21.03.2019 i.e for 91 days, but so far charge sheet has not been filed, the petitioners are entitled for default bail. Hence, 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 learned Judicial Magistrate, Thirumayam, Pudukottai 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].

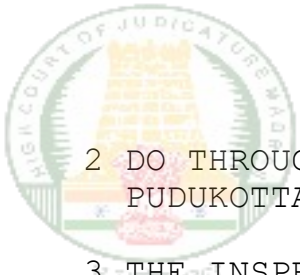
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/06/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
ARIMALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.J.WILLIAM CHRISTOPHER Advocate SR.No. 9985

+1. C.C. to M/S.K.ARUNRAJ, Advocate SR.No. 10044

ORDER

IN

CRL OP (MD) No.8468 of 2019

Date :19/06/2019

JM/VR/SAR 3/19.06.2019/3P/8C