



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8510 of 2019

Aravind

... Petitioner/Accused No.1

-Vs-

State Rep.by

The Inspector of Police,
Thedeer Nagar Police Station,
Madurai District.
(Crime No.160/2019)

... Respondent/Complainant

For Petitioner : M/s.Niranjana.S.Kumar, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For bail in Cr.No.160 of 2019 on the file of the respondent police.

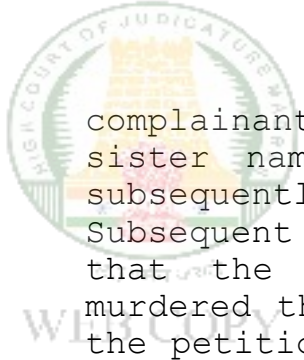
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no. 1 seeking bail for the alleged offence under Sections 302 @ 120(b), 302 and 34 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit due to previous enmity the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 24.03.2019 and he is in custody for the past 88 days. He further submitted that substantial portion of the investigation is over and no previous case is pending against the petitioner. He further submitted that co- accused in this case was granted bail. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally eight accused in this case. The defacto



complainant is the father of the deceased. The first accused's sister namely Anitha got love marriage with the deceased and subsequently left him and thereafter married her maternal uncle. Subsequent to that the said Anitha eloped with the deceased. Due to that the petitioner along with others conspired together and murdered the deceased. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that co-accused in this case were granted bail and no previous case is pending against the petitioner. He would also submit that investigation is almost completed.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 88 days and also considering the fact that no previous case is pending against the petitioner and also considering the fact that co-accused in this case were enlarged on bail and by this time major part of the investigation might have been completed 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 No.V, Madurai.

[b] the petitioner 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 petitioner 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 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].

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

sd/-

20/06/2019

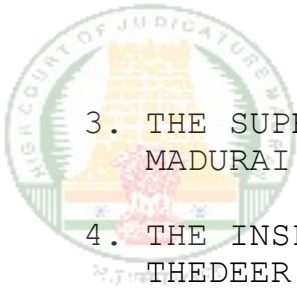
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADRUAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADRURAI DISTRICT.



3. THE SUPERINTENDENT, CENTRAL JAIL,
MADURAI.

4. THE INSPECTOR OF POLICE,
THE DEER NAGAR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S. NIRANJAN.S.KUMAR Advocate SR.No.10064

ORDER

IN

CRL OP (MD) No.8510 of 2019

Date : 20/06/2019

MS/VR/SAR-1/20.06.2019/3P.7C