



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 25/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8539 of 2019

Muniyasamy @ Padamuniyasamy

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Keeraithurai Police Station,
Madurai City.
Crime No.412/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Suresh Kumar,
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.412/2019 on the file of the respondent police.

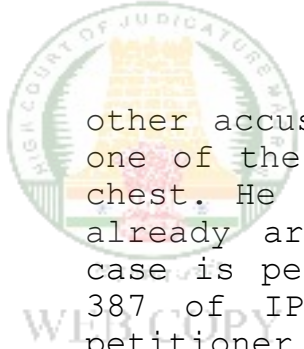
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.6 seeking bail for the alleged offence under Sections 147, 148, 448, 506(ii), 302 of IPC @ 147, 148, 448, 506(ii), 302, 392, 120(b) and 25(1-A) Indian Arms Act.

2. Heard both sides

3. The learned counsel for the petitioner has submitted that due to previous enmity, a false case has been foisted against the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 26.04.2019 and he is in custody for the past 60 days. He further submitted that by this time investigation might have been completed. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that totally there are 12 accused persons involved in this case. He further submitted that due to previous enmity, the petitioner and



other accused persons attacked the deceased with deadly weapons and one of the accused shot the deceased by country made pistol on his chest. He further submitted that Accused Nos.4, 5 and 9 to 11 were already arrested. He further submitted that already two previous case is pending for the alleged offence under Sections 506(ii) and 387 of IPC. Hence he strongly opposed to grant bail to the petitioner.

5.By way of reply, the learned counsel for the petitioner has submitted in the previous cases, the petitioner is on bail.

6.Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 60 days and by this time major part of the investigation might have been completed and that in the previous cases, the petitioner is on bail, 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 learned Judicial Magistrate No.IV, 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 trial.

[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/-

25/06/2019

/ TRUE COPY /

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

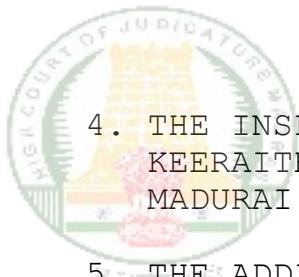
TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3. THE SUPERINTENDENT,CENTRAL PRISON, CUDDALORE.



4. THE INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S.R.SURESH KUMAR Advocate SR.No.10388

ORDER

IN

CRL OP (MD) No.8539 of 2019

Date :25/06/2019

MS/VR/SAR-4/25.06.2019/3P.7C