



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

Friday, the Twenty First day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8708 of 2019

VENKATESH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
GUZILIAMPARAI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.30/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.BALAMURUGAPANDI Advocate

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

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

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 147,148,323,324,506(ii) and 302 of IPC

2. Heard both sides

3. The learned counsel for the petitioner has submitted that the petitioner is an innocent and a false case has been foisted against the petitioner. He further submitted that the petitioner was arrested and remanded to judicial custody on 07.04.2019 and from that date onwards he is in custody. He further submitted that this Court already granted bail to the other accused in CrI.O.P.(MD). No.8368 of 2019. Hence he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the due to previous enmity between the accused and the defacto complainant , on 07.04.2019 at about 2.00 p.m while the defacto complainant brother Jeyaprakash is in D. Cuddalore Wine shop, the accused quarrelled with him and on seeing the same, the defacto complainant and his brother Manivel came to the place and at that time the petitioner and other accused attacked the deceased with reaper, thereby he succumbed to injuries. However, he opposed the bail on the ground that the investigation is still pending.



5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 62 days, 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 Judicial Magistrate, Vedasanthur, Dindigul 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/-
21/06/2019

/ TRUE COPY /

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

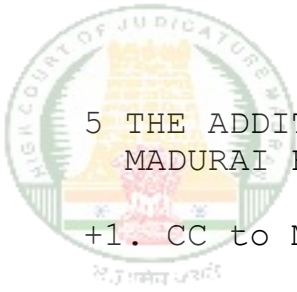
TO

1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
GUZILIAMPARAI POLICE STATION,
DINDIGUL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No. 10197

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ORDER

IN

CRL OP (MD) No.8708 of 2019

Date :21/06/2019

JM/VR/SAR 4/21.06.2019/3P/7C