



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

Wednesday, the Twenty Sixth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8739 of 2019

1 AJITH KUMAR
2 MATHIVANAN

... PETITIONERS/ PETITIONERS/
ACCUSED 1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.93/2019)

... RESPONDENT/ RESPONDENT/
COMPLAINANT

For Petitioner : MR.K.MANIKANDAN 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 petitioners/ Accused-1 and 2 seeking bail for the alleged offence under Sections 341, 294(b), 323, 427, 506(i) r/w Section 304(ii) of IPC in Crime No.93 of 2019.

2. Heard both sides

3.The learned counsel for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that on 04.05.2019, when the petitioners herein and other persons were taking a dead body to burial ground, the defacto complainant has driven an auto in a rash and negligent manner and hit against the accused no. 3 and capsized the auto and due to the said occurrence, one passenger namely Muthammal sustained injuries and subsequently she died. But the defacto complainant gave a false complaint against the petitioners herein and other accused persons stating that they have capsized the auto. He further submitted that the petitioners have been arrested by the respondent police on 04.05.2019 and from that date onwards, they are in custody and hence, he prayed to grant bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioners and other accused persons were taking one dead body for the purpose of funerals and at the time, the third accused was inebriated mood and hit against the auto and fell down and hence the petitioners herein have caused damage to the auto and also pushed the said auto. Due to the said impact, the auto was capsized and one passenger namely Muthammal sustained injuries and hence, a case was registered originally under Sections 341, 294(b), 323, 427, 506(ii) of IPC and subsequently the said Muthammal died and hence, the case has been altered into under Sections 341, 294(b), 323, 427, 506(ii) and 304 (ii) of IPC. He further submitted that the accused No.3 is still absconding and hence, he strongly opposed this petition.

5. Earlier petition was dismissed on the ground that A3 is still absconding. Even after dismissal of the said application, the respondent has not evinced any interest to secure A3.

6. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody for the past 53 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 their 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, Nilakkottai.

[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/-

26/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

4 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

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

+1 CC to M/s.K.MANIKANDAN, Advocate (SR-10500[I] dated 26/06/2019)

ORDER

IN

CRL OP(MD) No.8739 of 2019

Date :26/06/2019

JM/VR/SAR 3/26.06.2019/3P/7C