



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 01/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8755 of 2019

Indira ... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
Cr.No.41 of 2019.

... Respondent/Complainant

For Petitioner : M/s.G.V.Vairam Santhosh,
Advocate.

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

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

PRAYER :-

For bail petition in cr.no.41 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.3 seeking bail for the alleged offence under Sections 294(b), 324,307,302 and 506(ii) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner herein was arrested and remanded to judicial custody on 21.04.2019 and she is in custody for the past 72 days. He further submitted that by this time investigation might have been completed. He would submit that co- accused person in this case was granted bail by this Court. Therefore he prayed to grant bail to the petitioner.

4. The learned counsel for the intervenor would submit that due to some land dispute the petitioner along with others attacked the deceased and he died. He further submitted that both the deceased family and the petitioner are residing in the same village and if



the petitioner is released on bail, there is a possibility to tamper the witness. Hence he objected to grant bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that due to some land dispute the petitioner herein along with others attacked the defacto complainant and caused injuries, thereby he died. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the co-accused in this case was granted bail and there is no previous case pending against the petitioner.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 72 days and also considering the fact that the co-accused person in this case was granted bail by this Court and no other previous case is pending against the petitioner 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, Paramakudi, Ramanathapuram District

[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 trial.

[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/-

01/07/2019

/ TRUE COPY /



TO

1. The Judicial Magistrate,
Paramakudi, Ramanathapuram District.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
4. The Superintendent,
Central Prison, Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to Mr.G.V.VAIRAM SHANTHOSH Advocate SR.No.10748

ORDER

IN

CRL OP (MD) No.8755 of 2019

Date : 01/07/2019

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TK/PN/SAR.3/01.07.2019/3P/7C