



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

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8841 of 2019

1 NITHIN ... PETITIONER/ ACCUSED NO.3

2 NITHEESH ... PETITIONER / ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.225 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ALAGUMANI Advocate

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

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

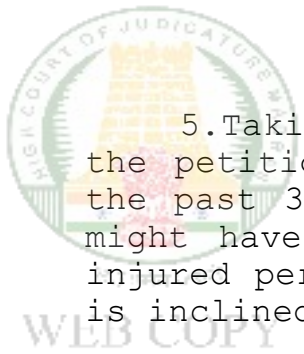
ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused Nos.3 and 4, seeking bail for the alleged offence under Sections 147, 148 and 307 of IPC and Section 27(2) of Arms Act.

2. Heard both sides.

3. The learned counsel for the petitioners has submitted that due to wordy quarrel between the parties, the de-facto complainant has lodged a false complaint against the petitioners herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 20.05.2019 and he is in custody for the past 36 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 has submitted that due to wordy quarrel, the petitioner and other accused persons attacked the de-facto complainant by shooting with a pistol and caused injury. He further submitted that the co-accused was already arrested and remanded to judicial custody. Hence he strongly opposed to grant bail to the petitioner. However, he fairly conceded that the injured was already discharged from the hospital.



5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 36 days and by this time major part of the investigation might have been completed and also considering the fact that the injured person was already discharged from the hospital, 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.II, Kulithalai, Karur 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 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/-

25/06/2019

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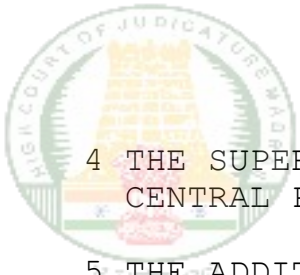
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to M/S. R. ALAGUMANI Advocate SR.No. 10434

ORDER

IN

CRL OP (MD) No.8841 of 2019

Date :25/06/2019

JM/VR/SAR 4/25.06.2019/3P/7C