



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.8877 of 2019

FEROSH KHAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THUVARANKURICHI POLICE STATION,
TRICHY DISTRICT.
IN CRIME NO.54/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.JOEL PAUL ANTONY Advocate

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

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

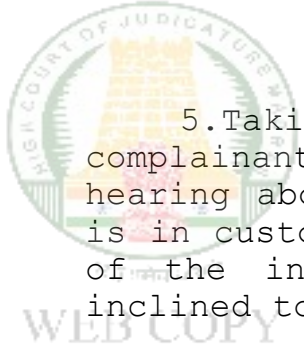
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 302 and 506(ii) of IPC in Crime No.54 of 2019.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the defacto complainant is not eye witness. As per the F.I.R., he got information that the petitioner herein has attacked the deceased with knife and caused death. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 16.04.2019 and he is in custody for the past 72 days. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner herein and the deceased were friends and that the deceased received a sum of Rs.20,000/- by pledging the R.C book of a two wheeler which belongs to the petitioner herein and subsequently the deceased did not redeem the R.C book and hence the petitioner herein attacked the deceased with knife and caused death. He further submitted that the investigating is still pending and hence he opposed this petition.



5. Taking into consideration the fact that the defacto complainant is not an eye witness and he gave complaint only on hearing about the occurrence and also the fact that the petitioner is in custody for the past 72 days and by this time a major portion 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 learned Judicial Magistrate, Manapparai, Trichy District.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.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/-
26/06/2019

/ TRUE COPY /

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

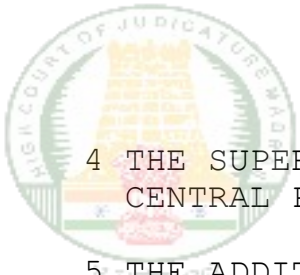
TO

1 THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
THUVARANKURICHI POLICE STATION,

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



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to M/S.A.JOEL PAUL ANTONY Advocate SR.No. 10512

ORDER

IN

CRL OP (MD) No.8877 of 2019

Date :26/06/2019

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