



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 26/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8959 of 2019

M.Pauldurai

... Petitioner/Accused No.11

Vs

State Rep.by
The Inspector of Police,
Seithur Police Station,
Seithur, Virudhunagar District.
(Crime No.81 of 2019)

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan, Advocate.
For Respondent : Mr.V.Neelakandan,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Bail in Crime No.81 of 2019 on the file of the respondent Police.

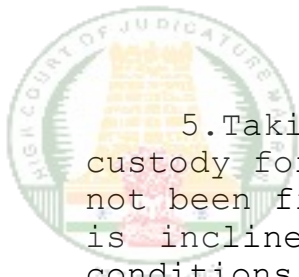
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/Accused No.11 seeking bail for the alleged offence under Section 147, 148 and 302 of IPC, in Crime No.81 of 2019.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner herein was arrested and remanded to judicial custody on 26.03.2019 and he is in custody for the past 93 days. So far, charge sheet has not been filed and on that ground the petitioner is entitled to get default bail. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that charge sheet is yet to be filed. He would further submit that the investigation is still pending. Hence he strongly opposed to grant bail to the petitioner.



5. Taking into consideration the fact that the petitioner is in custody for the past 93 days and also the fact that charge sheet has not been filed and also considering the aforesaid facts, this Court is inclined to grant default bail to the petitioner by imposing conditions:

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[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 Court, Rajapalayam, Virudhunagar District.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of three weeks 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, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, SUB JAIL, MELUR, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
SEITHUR POLICE STATION, SEITHUR, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.10516

ORDER

IN

CRL OP(MD) No.8959 of 2019

Date :26/06/2019

MS/VR/SAR-3/26.06.2019/2P.7C