



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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9071 of 2019

1 MOHAMMED RAFEEK

2 VIVEK @ ANU

... PETITIONER / ACCUSED NO.1

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.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 :-

The petition has been filed by Accused Nos.1 & 2 seeking bail for the alleged offence punishable under 147, 148 and 307 of IPC and Section 27 (2) of Arms Act, in Crime No.225 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 19.05.2019, due to the wordy quarrel arose between the petitioners and the defacto complainant with regard to the sale of Earth Worm (Mannuli Pambu), the accused persons shot the defacto complainant with a pistol and caused injury. He further submitted that the petitioners were arrested and remanded to judicial custody on 20.05.2019. He further submitted that the already injured person was discharged from the hospital and therefore he prayed to grant of bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that due to the wordy quarrel arose between the petitioners and the defacto complainant with regard to the sale of Earth Worm (Mannuli Pambu), Al shot the defacto complainant with a pistol and caused injury on his left



shoulder. The investigation is still pending and hence, he opposed this petition. However, he fairly conceded that already injured was discharged from the hospital and no previous case is pending against the petitioner.

5. Taking into consideration of the aforesaid facts and also the fact that already injured discharged from the hospital and the petitioners are in custody for the past 38 days, this Court is inclined to grant bail to the petitioner 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, No. II, Kulithalai, Karur District.

[b] the petitioners shall report before the respondent police daily at 10.00.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 trial.

[d] the petitioners 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 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/-
27/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO. II,
KULITHALAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,

<https://hcservices.courts.gov.in/hcservices/>
KARUR DISTRICT.



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

4 THE SUPERINTENDENT,
TRICHY 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. 10606

ORDER

IN

CRL OP (MD) No.9071 of 2019

Date :27/06/2019

JM/VR/SAR 4/27.06.2019/3P/7C