



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.9200 of 2019

1. Ajithkumar
2. Alagusundar

... Petitioners/Accused No.2 & 6

Vs

State Rep.by
The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
(Crime No.75 of 2019)

... Respondent/Complainant

For Petitioners: M/s.Rm.Arun Swaminathan,
Advocate.

For Respondent : M/S.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

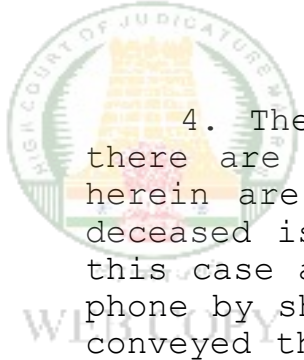
For Bail in Crime No.75 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-2 and 6 seeking bail for the alleged offence under Sections 302, 120(b), 109,341 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that due to money dispute a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 12.04.2019 and from that date onwards they are in custody. He would further submit that main accused in this case was granted bail by the Sessions Court. He would also submit that the name of the petitioners does not find place in the First Information Report. Therefore he prayed to grant bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that there are totally seven accused in this case and the petitioners herein are A2 and A6 and the case of the prosecution is that the deceased is having illegal intimacy with one Ambica , who is A1 in this case and the deceased threatened the said Ambica through cell phone by showing some obscene photographs and when the said Ambica conveyed the message to A2, who is also having illegal intimacy with A1. Thereafter the seventh accused in this case has informed to A2 that the deceased is going towards Ambica's house, hearing this the petitioners herein along with other accused persons assembled together and the petitioners herein slit the throat of the deceased and the other accused persons beat the deceased with iron rod and murdered him. Hence he strongly opposed to grant bail to the petitioners.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody for the past 82 days and also the fact that major part of the investigation might have been completed, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are 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 No.V, Madurai.

[b] the petitioners shall report before the Trichy town police Station, daily at 10.30 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/-

01/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION, MADURAI DISTRICT.
5. THE INSPECTOR OF POLICE,
TRICHY TOWN POLICE STATION.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.RM.ARUN SWAMINATHAN Advocate SR.No.10741

ORDER

IN

CRL OP(MD) No.9200 of 2019

Date :01/07/2019

MS/PN/SAR-3/01.07.2019/3P.9C