



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.97 of 2019

STEPHENRAJ @ MOTTAS

... PETITIONER / A5

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL.

CRIME NO.881/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.ESWARAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 04.10.2018 for the offences punishable under Section 302 of IPC in Crime No.881 of 2018, on the file of the respondent police, seek bail.

2. There are totally seven accused in this case. The petitioner herein is A5. The case of the prosecution is that the petitioners along unlawfully assembled together with deadly weapons went to the shop of the deceased Veerasamy and indiscriminately attacked him with aruval and fled away from the scene of occurrence. The said Veerasamy sustained multiple injuries all over the body and he died.

3. The learned counsel for the petitioner would submit that the name of this petitioner does not find place in the First Information Report. He would also submit that he has roped in this case based on the confession statement of the co-accused and he was not present in the scene of occurrence. He would also submit that the petitioner has been detained under Act-14 on 28.11.2016, challenging the same he has filed a petition in HCP(MD) No.1655 of 2018. He would submit that charge sheet has not been filed in this case. The petitioner has right of statutory bail since the same was not entertained by



the lower court on the ground that the bail petition is pending the Honourable High Court.

4. The learned Government Advocate(Crl.Side) would submit that apart from this case, the petitioner is also having four other cases which is of serious nature. He would also submit that charge sheet has been filed in this case. He would also submit that are two eye witnesses in this case who have identified the presence of the petitioner and spoken about the overt acts of this petitioner and opposed for grant of bail.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and also the fact that charge sheet has been filed and yet to be numbered, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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, Dindigul, and on further condition that:

[a] When the petitioner is released from custody he shall appear before the respondent daily at 10.30 a.m until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/01/2019

/ TRUE COPY /

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

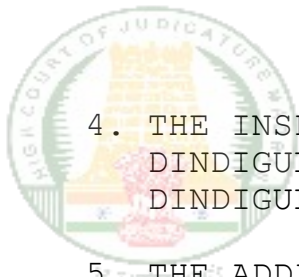
TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.



4. THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL.

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

+1. CC to Mr.M.ESWARAN Advocate SR.No.544

ORDER
IN
CRL OP (MD) No.97 of 2019
Date :09/01/2019

MS/VR/SAR-2/09.01.2019/3P.7C