



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9693 of 2019

Uma Maheshwaran

... Petitioner/Accused

Vs

State Rep.by

The Sub Inspector of Police,
Subramanipayuram Police Station,
Crime No. 275/2019

... Respondent/Complainant

For Petitioner : M/s.S.J.Chakkaravarthy,
Advocate.

For Respondent : Mr.V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

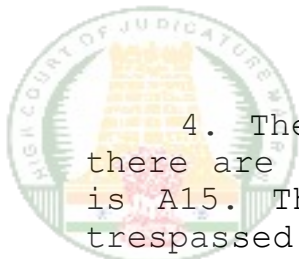
For Bail in crime No.275 /2019 on the file of the Respondent police.

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 147,148,449,307,302,506(ii) and 211 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected with the said offence. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 30.05.2019 and he is in custody for the past 42 days. The only allegation against the petitioner is that after committing murder the accused persons went to the house of the petitioner herein and the petitioner herein had made arrangement for their stay and the said act would come under Section 212 I.P.C(Harboursing offender) which is bailable in nature. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 17 accused in this case and the petitioner herein is A15. The case of the prosecution is that the accused persons trespassed into the house of the deceased and attacked him with deadly weapons and thereafter he died. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the petitioner herein only harboured the other accused persons in his house.

5. Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner is in custody for the past 42 days and also the fact that the petitioner herein had made arrangement for the stay of the other accused persons and the said act would come under Section 212 I.P.C (Harboursing offender) which is bailable in nature, 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 Judicial Magistrate No.Iv, Madurai.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.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 trial.

[d] the petitioner 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 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/-

11/07/2019

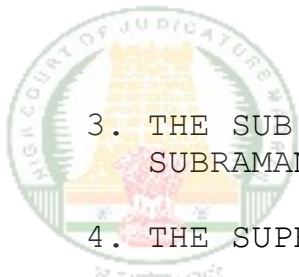
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

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



3. THE SUB INSPECTOR OF POLICE,
SUBRAMANIYAPURAM POLICE STATION.

4. THE SUPERINTENDENT, PRISON, THENI.

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

+1. CC to M/S.S.J.CHAKKARAVARTHY Advocate SR.No.11512

ORDER

IN

CRL OP (MD) No.9693 of 2019

Date :11/07/2019

MS/PN/SAR-2/11.07.2019/3P.7C