



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9293 of 2019

Joseph Isravel

... Petitioner/Accused No.2

Vs

The State Rep. through
The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.
Crime No.333/2018.

... Respondent/Complainant

For Petitioner : M/s.T.Indrachithu,
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. 333 of 2018 on the file of the respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/Accused No.2 seeking bail for the alleged offence under Sections 341 and 307 of IPC, in Crime No.333 of 2018.

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 by the respondent police on 03.06.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor has submitted that the investigation is still pending. Hence, he strongly opposed to grant bail to the petitioner. However, he fairly conceded that there is no previous case pending against the petitioner.

5. Taking into consideration the fact that the petitioner is in custody for the past 34 days and also the fact that no previous case is pending against the petitioner, 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 Court, Vadipatti, Madurai District.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.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/-
08/07/2019

/ TRUE COPY /

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

TO

1. The Judicial Magistrate, Vadipatti,
Madurai District.

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

2. The Chief Judicial Magistrate, Madurai District.



3.The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.

4.The Superintendent, Central Prison,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-11249[I] dated
08/07/2019)

ORDER

IN

CRL OP(MD) No.9293 of 2019

Date : 08/07/2019

vsg

TK/PN/SAR.4/08.07.2019/3P/7C