



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22759 of 2018

J.SALMANKHAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.THROUGH
THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION(CRIME)
MADURAI CITY,
Crime No. 1539/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SHEIK ABDULLAH Advocate

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

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

ORDER : The Court Made the following order :-

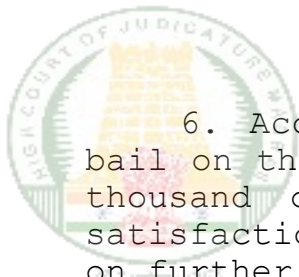
The petitioner was arrested and remanded to judicial custody since 15.11.2018 for the offences punishable under Section 394, 397 and 506(ii) of IPC in Crime No.1539 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.11.2018 at about 2.00 p.m when the defacto complainant was riding his bike towards his house the petitioners along with others wrongfully restrained the defacto complainant abused him and attacked on his head by a sword and then flee from the spot in his two wheeler.

3. The learned counsel for the petitioner would submit that the petitioner is the college student and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) would submit that investigation in this case is pending and he would further submit that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on their 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.VI, Madurai and on further condition that:

[a] the petitioner shall report before the respondent police 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/-
29/01/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO VI,MADURAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION(CRIME),MADURAI CITY.
- 4.THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.SHEIK ABDULLAH Advocate SR.No.1630

ORDER IN
CRL OP(MD) No.22759 of 2018
Date :29/01/2019