



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

Monday, the Twenty First day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP (MD) No.22999 of 2018

1 MOORTHY @ KRISHNA MOORTHY

2 RAMU @ RAMKUMAR

... PETITIONERS / ACCUSED NO.4 & 5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

VANNIYAMPATTI VILAKKU POLICE STATION,

VIRUDHUNAGAR DISTRICT.

CRIME NO.166/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.GOWRISHANKAR, 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 petitioners were arrested and remanded to judicial custody since 04.12.2018 for the offences punishable under Sections 147, 148, 448, 302 and 120 of IPC in Crime No.166 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are said to have threatened the deceased prior to the occurrence along with other accused and in furtherance to the same these petitioners had joined the other accused who entered into the house of the deceased and had assaulted the deceased with aruval the deceased died on the spot itself. The petitioners were standing outside the home as guards

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit these petitioners were standing outside the house as a guard only and they have not attacked and caused any injury on the deceased.

4. The learned Government Advocate(Crl.Side) would submit that there is no previous case pending against the petitioners. He would also submit that investigation is almost over.



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

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No,II, Srivilliputhur, and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioners 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 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]**.

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

sd/-

21/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE  
VANNIYAMPATTI VILAKKU POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.GOWRISHANKAR Advocate SR.No.929

ORDER

IN

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Date :21/01/2019