



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9805 of 2019

1. Saravanan
2. Balaji @ Rajendran
3. Manoharan @ Kaja Manoharan
4. Haridhass
5. Moorthy

... Petitioners/A1,A3,A4,A5,A6

Vs

State Rep.by
The Inspector of Police,
Uppiliyapuram Police Station
Tiruchirappalli District.
Crime No.121/2019.

... Respondent/Complainant

For Petitioners : Mr.C.Jeganathan, Advocate for
M/S. Veera Associates,

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

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

PRAYER :-

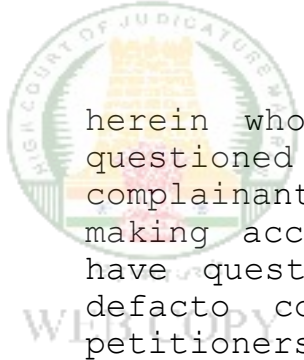
For Bail in Crime No. 121 of 2019 on the file of the Respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ accused Nos.1,3,4,5,6 seeking bail for the alleged offence under Sections 147, 294(b), 323 and 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that even as per the First Information Report, the deceased is a driver of a car and hit against one Chidambaram and caused injuries and the petitioners



herein who are the relatives of the said Chidambaram they have questioned the same. He further submitted that the defacto complainant had paid a sum of Rs.8000/- to the said Chidamabaram for making accident. He further submitted that since the petitioners have questioned the deceased with regard to the accident, the defacto complainant had lodged a false complaint against the petitioners. He further submitted that even as per the First Information Report the petitioners have assaulted the deceased only with hands and further he was admitted in the hospital and without taking treatment he voluntarily left the hospital and thereafter he was found dead. He further submitted that the petitioners herein were arrested and remanded to judicial custody on 25.05.2019 and they are in custody for the past 48 days. He further submitted that by this time a major portion of the investigation might have been completed. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit the petitioners have attacked the deceased with hand as he has caused road accident by driving a car and caused injuries to one Chidamabaram. He further submitted that due to the attack made by the petitioners the deceased died and investigation is not yet completed. Hence he strongly opposed to grant bail to the petitioners.

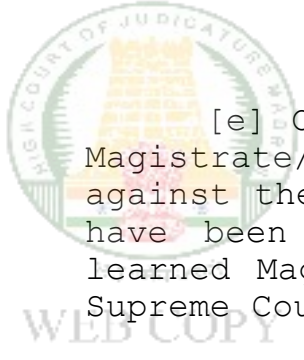
5. As per the First Information Report, the petitioners have assaulted the deceased with hands only. Further the defacto complainant himself had admitted in the First Information Report that the he has admitted the deceased in Arakudi Government Hospital but he left the hospital without taking any treatment and thereafter he was found dead in Veerappan banana grove at 1.30 p.m. Taking into consideration of the aforesaid facts and also the fact that the petitioners are in custody for the past 48 days and by this time a major portion of the investigation might have been completed this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are 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, Thuraiyaur.

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

[d] the petitioners 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 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].

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

sd/-
12/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THURAIYAUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION, TIRUCHIRAPPALLI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to VEERA ASSOCIATES Advocate SR.No.11633

ORDER
IN
CRL OP(MD) No.9805 of 2019
Date :12/07/2019

MS/PN/SAR-4/12.07.2019/3P.7C