



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10101 of 2019

Gowthaman

... Petitioner/24th Accused

Vs

State Rep.by
The Inspctor of Police,
Dindigul Town West Police Station,
Dindigul District.
Crime No.4 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Manikandan, Advocate.
For Respondent : Mr. V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

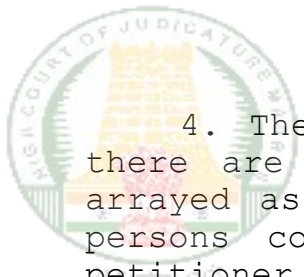
For Bail in Crime No. 4 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no. 24 seeking bail for the alleged offence under Sections 147,148,341,302,109 and 120(B) of IPC

2. Heard both sides.

3. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 27.06.2019 and he is in custody for the past 27 days. He further submitted that the co- accused in this case were arrested and remanded to judicial custody and subsequently released on bail. He further submitted that as per the prosecution case, the petitioner herein has provided only a car to the other accused and he has not actively taken part in the alleged occurrence. He would further submit that based on the confession given by A9, this petitioner has been implicated. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are 24 accused in this case and the petitioner herein is arrayed as A.24 and he further submitted that the other accused persons committed brutal murder of the deceased and that the petitioner has provided the car to the other accused persons and hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that co-accused in this case were granted bail.

5. Taking into consideration of the allegations made against the petitioner and also the fact that the petitioner is in custody for the past 27 days and by this time a major part of the investigation might have been completed and also the fact that co-accused in this case were granted bail and also the fact that the petitioner herein only provided car and he has not actively taken part in the alleged occurrence, 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.I, Dindigul.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 AM 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/-
24/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, DINDIGUL JAIL,
DINDIGUL.
4. THE INSPCTOR OF POLICE,
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.MANIKANDAN Advocate SR.No.12189

ORDER

IN

CRL OP(MD) No.10101 of 2019

Date :24/07/2019

MS/PN/SAR-4/24.07.2019/3P.7C