



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10294 of 2019

Kaleeswaran

... Petitioner/Accused No.4

-Vs-

State Rep.by
The Inspector of Police,
Paramakudi Police Station,
Paramakudi,
Ramanathapuram District.
Crime No.167 of 2019.

... Respondent/Complainant

For Petitioner : M/s.D.Senthil,
Advocate.

For Respondent : Mr.V Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

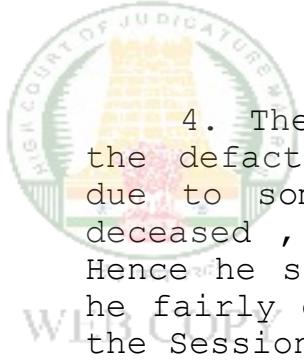
For bail petition in cr.no.167 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.4 seeking bail for the alleged offence under Section 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 08.06.2019 and he is in custody for the past 44 days. He further submitted that the name of the petitioner has not been mentioned in the First Information Report and only based on the confession given by the A1, this petitioner has been implicated in the above case. He would further submit that A1 to A3 in this case was granted bail by the Sessions Court. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the defacto complainant is the mother-in-law of the deceased and due to some family dispute between both the petitioner and the deceased, the petitioner along with others murdered the deceased. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that A1 to A3 in this case were granted bail by the Sessions Court.

5. Taking into consideration the fact that in the First Information Report, the name of the petitioner has not been mentioned and only based on the confession given by A1 before the respondent police, this petitioner has been implicated in the above case and also the fact the petitioner is in custody for the past 44 days and also the fact that during interrogation no materials have been recovered from this 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, Paramakudi.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

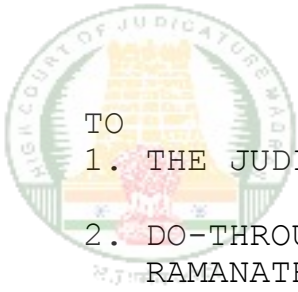
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
02/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT PRISON,
RAMANATHAPURAM.
 4. THE INSPECTOR OF POLICE, PARAMAKUDI POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.SENTHIL Advocate SR.No.12769

ORDER

IN

CRL OP(MD) No.10294 of 2019

Date :02/08/2019

MS/VR/SAR-3/02.08.2019/3P.7C