



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

Date : 05/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10638 of 2019

M.Maharajan

... Petitioner/2nd Accused

Vs

The state rep by
The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.

... Respondent/Complainant

For Petitioner : M/s.M.Sankar, 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. 179 of 2019 on the file of the
Respondent Police.

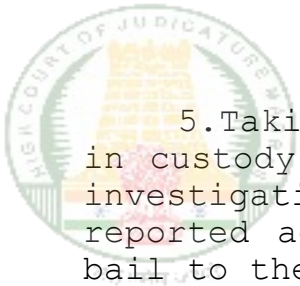
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused-2 seeking bail for the alleged offence under Sections 294(b), 307 and 506(ii) IPC altered into 294(b), 302 and 506(ii) IPC.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that on 31.05.2019 at about 04.30 p.m., when the petitioner and A1 were consuming liquor, the deceased asked them why they were consuming liquor there and due to the same, the petitioner and A1 have attacked the deceased with stone and immediately, the deceased was admitted in the hospital and he died on next day i.e., on 01.06.2019. He has further submitted that the investigation is still pending and hence he opposed this petition. However, he fairly conceded that the petitioner is not having any previous case.



5. Taking into consideration of the fact that the petitioner is in custody from 01.06.2019 and by this time a major portion of the investigation might have been completed and no bad antecedents reported against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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[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, Alangulam, Tirunelveli District.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m., for a period of three weeks 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/-

05/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ALANGULAM, THIRUNELVELI DISTRICT.
2. DO-TROUGH : THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.SANKAR Advocate SR.No.12877

ORDER

IN

CRL OP(MD) No.10638 of 2019

Date : 05/08/2019

gns