



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10724 of 2019

Navaneetha Krishnan

... Petitioner/Accused No.10

Vs

The State rep.by
The Sub-Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
Crime No.227 of 2019

... Respondent/Complainant

For Petitioner : M/s.G.Gunasundari,
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.227 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.10 seeking bail for the alleged offence under Sections 147,148,302 and 506(ii) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit due to previous enmity the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 02.07.2019 and he is in custody for the past 28 days. He would also submit that there are so many previous cases pending against the deceased. He would also submit that no weapon has been seized from the petitioner. He would submit that there is no previous case pending against the petitioner. He would submit that the only



allegation levelled against the petitioner is that he prevented the deceased from escaping and except that there is no allegations levelled against the petitioner. He would further submit that co-accused persons in this case were granted bail. Therefore he prayed to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that the petitioner herein is arrayed as A10. He would further submit that due to previous enmity on 23.04.2019 at about 09.30 a.m the petitioner herein along with other accused unlawfully assembled together with deadly weapons and attacked the defacto complainant's husband Karthick at Dindigul Hanumanth Nagar over bridge with aruval and patta kathi and caused death. He would also submit that based on the confession statement give by A1, the petitioner herein was implicated in the above case. Hence he opposed to grant bail to the petitioner. However he fairly conceded that no previous case is pending against the petitioner and co- accused persons in this case were granted bail by this Court.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 28 days and also considering the fact that there is no previous case is pending against the petitioner and also considering the fact that no weapon has been seized from the petitioner and also considering the fact that there is no specific allegations levelled against the petitioner except the fact that he prevented the deceased from escaping in the said occurrence and also considering the fact that co- accused persons in this case were granted bail, 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 II, Dindigul.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.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.

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/ TRUE COPY /

sd/-
30/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO II,
DINDIGUL
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
 3. THE SUB-INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
 4. THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.GUNASUNDARI Advocate SR.No.12509

ORDER
IN
CRL OP(MD) No.10724 of 2019
Date : 30/07/2019

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TK/PN/SAR.4/30.07.2019/3P/7C