



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

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10701 of 2019

R.Varadharajan

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
Crime No.121/2019

... Respondent/Complainant

For Petitioner : M/s.A.Senthil Kumar,
Advocate.

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

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

PRAYER :-

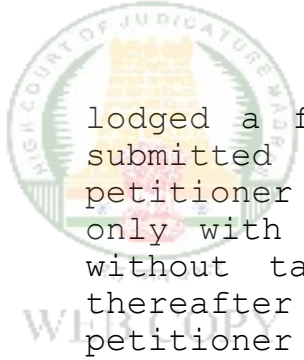
For bail in Cr.No.121/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.2 seeking bail for the alleged offence punishable under Section 147, 294 (b), 323 & 302 IPC, in Crime No.121 of 2019.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has 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. The petitioner herein and other accused persons, who are the relatives of the said Chidambaram have questioned the same. He further submitted that the defacto complainant had paid a sum of Rs.8000/- to the said Chidambaram for making accident. He further submitted that since the petitioner and the other accused persons have questioned the deceased with regard to the accident, the defacto complainant had



lodge a false complaint against the accused persons. He further submitted that even as per the First Information Report the petitioner and other accused persons 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 petitioner herein was arrested and remanded to judicial custody on 08.07.2019 and he is in custody for the past 22 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 petitioner.

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

5. As per the First Information Report, the petitioner and the other accused persons have assaulted the deceased with hands only. Further the defacto complainant himself had admitted in the First Information Report that 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's banana grove at 1.30 p.m. Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody for the past 22 days and by this time a major portion of the investigation might have been completed and also the fact that already this Court has granted bail to the accused Nos.1 and 3 to 6 as per the order passed in CrI.OP(MD)No.9805 of 2019 dated 12.07.2019, this Court is inclined to grant bail to the petitioner by imposing conditions:

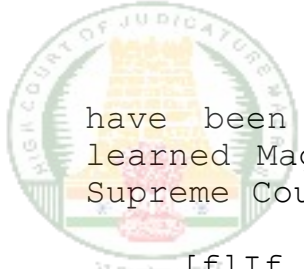
[a]the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur, Trichy District.

[[b]the petitioner shall report before the respondent police daily at 10.00.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 <https://hcservices.ecourts.gov.in/hcservices/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.

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sd/-
30/07/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
 - 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION,
TRICHY DISTRICT.
 - 4.THE SUPERINTENDENT,
CENTROL PRISON, TRICHY.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.SENTHIL KUMAR Advocate SR.No.12519

ORDER
IN
CRL OP(MD) No.10701 of 2019
Date :30/07/2019

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