



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10720 of 2019

S.Mathan

... Petitioner/Accused No.14

Vs

State rep by its
The Inspector of Police,
Subramaniayapuram Police Station,
Madurai City.
Crime No.275/2019

... Respondent/Complainant

For Petitioner : M/s.M.Gururaj,
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.275/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.14 seeking bail for the alleged offence under Sections 147,148,449,307,302 and 506(ii) of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected with the said offence. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 30.05.2019 and he is in custody for the past 61 days. He would further submit that co-accused person in this case was granted bail by this Court. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 17 accused in this case and the petitioner herein is A14. The case of the prosecution is that the accused persons trespassed into the house of the deceased and attacked him with deadly weapons and thereafter he died. Hence he strongly opposed to grant bail to the petitioner.

5. As per the First Information Report, the deceased involved in so many murder cases and also it is stated that he was involved in the case of murdering one Nehrupandi and as retaliation to that the family of the said Nehrupandi already attempted to commit murder of the deceased. Further it is stated that on the date of the alleged occurrence i.e., 25.05.2019 one Pillayar Ganesan and other went to the house of the deceased and attacked the deceased and caused death. In the First Information Report name of the petitioner not mentioned and only based on the confession statement given by A3, this petitioner has been arrayed as an accused. In the said confession A3 has stated that the petitioner was engaged only to see whether other accused persons are coming and joined in the aforesaid occurrence.

5. Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody for the past 60 days and also the fact that already this Court has granted bail to one of the accused namely Uma Maheswaran in CrI.O.P(MD) No.9693 of 2019 dated 11.07.2019, 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 Judicial Magistrate No.IV, Madurai.

[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.

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sd/-
01/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
MADURAI
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
SUBRAMANIYAPURAM POLICE STATION,
MADURAI CITY.
 4. THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.GURURAJ Advocate SR.No.12670

ORDER
IN
CRL OP(MD) No.10720 of 2019
Date : 01/08/2019

AAV
TK/VR/SAR.2/01.08.2019/3P/7C