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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10991 of 2019

1. Raja, ...Petitioner/Accused No.2
2. M.Ramprakash, ...Petitioner/Accused No.3
3. M.Sakthivel, ...Petitioner/Accused No.4

Vs

The Inspector of Police,
Pattukkottai Taluk Police Station,
Thanjavur District (Crime.No.108/2019).
... Respondent/Complainant

For Petitioner : M/s.K.Praveenkumar,
Advocate.

For Respondent : V.Neealakandan,
Additional Public Prosecutor

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

PRAYER :-

For bail in Cr.No.108/2019 on the file of the respondent police.

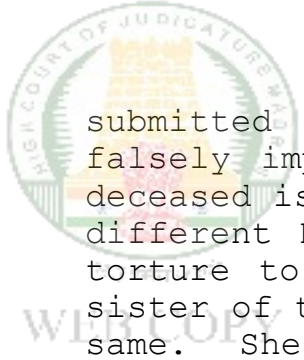
ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-2 & 3 seeking bail for the alleged offence under Sections 147, 148 and 302 IPC.

2. Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioners has



submitted that the petitioners are innocents and they have been falsely implicated in this case. She further submitted that the deceased is a notorious rowdy and he is having more than 20 cases in different Districts. She further submitted that the deceased gave torture to the petitioners to marry one Rajarajeswari, who is the sister of the petitioners and the petitioners are not agreed for the same. She also submitted that since the deceased is having number of cases and he is having so many enemies and his enemies might have murdered the deceased. She further submitted that the petitioners are in custody from 03.06.2019 and by this time the investigation might have been completed and therefore, she prayed to grant bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor has submitted that it is only the sister of the petitioners compelled the deceased to love her and even though the deceased has avoided the same, the petitioners have attacked the deceased and committed murder. He further submitted that investigation is not yet completed and hence, he strongly opposed this petition. However, he fairly conceded that the deceased is having more than 20 criminal cases in the different Districts.

5.Taking into consideration of the fact that the deceased is having 20 criminal cases in different Districts and also the fact that the petitioners are in custody from 03.06.2019 and by this time major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioners with certain conditions.

[a] the petitioners are 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 Court, Pattukottai.

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

[d] the petitioners 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 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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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.PRAVEENKUMAR Advocate SR.No.12893

ORDER
IN
CRL OP(MD) No.10991 of 2019
Date :05/08/2019

KM/VR/SAR-III (06.08.2019) 3P 7C