



WEB COPY

CRL OP(MD). No.11057 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11057 of 2019

Karthi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector Of Police,
Pulithipatty Police Station,
Sivagangai District.
(Crime No.36 of 2019)

... Respondent/Complainant

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

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

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

PRAYER :-

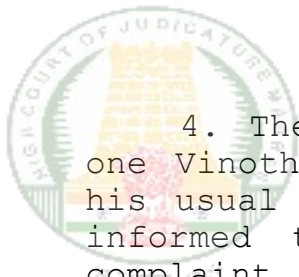
for bail in Crime No.36 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.2 seeking bail for the alleged offence under Section 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 17.06.2019 and he is in custody for the past 64 days. He further submitted that by this time a major portion of the investigation might have been completed. He would further submit that based on the confession statement given by A1, this petitioner is being implicated. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that one Vinothkumar, who is working as a Forest Guard Officer, during his usual rounds in the forest area found a male dead body and informed the same to the respondent police and based on the complaint given by the Forest Guard Officer, the present case has been registered. Hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that only based on the confession given by A1 before the police this petitioner has been arrayed as accused and also the fact that even though the petitioner was arrested on 17.06.2019 and was subjected to interrogation nothing has been recovered from him and also the fact that the petitioner is in custody for the past 64 days and by this time a major part of the investigation might have been completed, 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, Thirupathur, Sivagangai District.

[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.

sd/-

21/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THIRUPATHUR,
SIVAGANGAI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
PULITHIPATTY POLICE STATION, SIVAGANGAI DISTRICT.
 4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.13837

ORDER
IN
CRL OP(MD) No.11057 of 2019
Date :21/08/2019

MS/VR/SAR-2/21.08.2019/3P.7C