



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11184 of 2019

Ramesh

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Manachanallur Police Station,
Trichy District.
in Crime No.136 of 2019.

... Respondent/Complainant

For Petitioner : Mr.C.JEGANATHAN, Advocate for
M/s.Veera Associates,

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

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

PRAYER :-

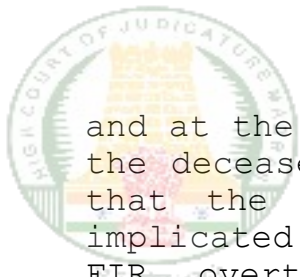
For Bail in Crime No. 136 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.1 seeking bail for the alleged offence punishable under Section 302 of IPC, in Crime No.136 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is A2 and A1 is son. He further submitted that as per the FIR, the petitioner is residing opposite to the house of the deceased and since the water from the house of the deceased was left to the house of the petitioner, there was a wordy quarrel on 14.06.2019 at about 07.30 p.m and subsequently due to the said quarrel, on 15.06.2019 at about 1.30 a.m during night hours, both the accused persons went to the house of the deceased



and at the instigation of the petitioner herein(A2), A1 has attacked the deceased with wooden log and caused death. He further submitted that the petitioner has not committed any offence and falsely implicated in the above case. He further submitted that even in the FIR, overt act attributed against the petitioner is that he just instigated A1 to commit murder of the deceased. He further submitted that the petitioner has been arrested and remanded to judicial custody on 15.06.2019 from that date onwards he is in custody and by this time the investigation might have been completed and therefore, he prayed for grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner herein and his son(A1) have entered into the house of the deceased during night hours on 15.06.2019 and at the instigation of the petitioner herein, A1 has attacked the deceased with wooden log and caused death. He further submitted that the investigation not yet completed and hence, he strongly opposed this petition.

5.Taking into consideration of the allegations against the petitioner is that he instigated his son(A1) and in pursuance of the said instigation, A1 attacked the deceased and apart from the said allegation no other overt act has been attributed against the petitioner and also the fact that the petitioner is in custody from 15.06.2019 and by this time a major portion 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 learned Judicial Magistrate No.III, Tiruchirappalli.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUCHIRAPPALLI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION, TRICHY DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.13677

ORDER
IN
CRL OP(MD) No.11184 of 2019
Date :19/08/2019

MS/VR/SAR-4/19.08.2019/3P.7C