



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11353 of 2019

1. Yuvaraj

2. Chithra

3. Usha

4. Vasantha

... Petitioners/A4 to A7

Vs

State rep.by

The Inspector of Police,

Arimalam Police Station,

Pudukkottai District,

(Crime No. 16 of 2019).

... Respondent/Complainant

For Petitioners: M/s. A. Arun Prasad,
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. 16 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused No.4 to 7 seeking bail for the alleged offence punishable under Sections 147, 148, 294(b), 324, 506(ii), 307 of IPC @ 302 of IPC in Crime No.16 of 2019.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that due to some dispute regarding taking water from the bore well, a false case has been foisted against the petitioners. He further submitted that initially the case was registered under sections 147, 148, 294(b), 324, 506(ii), 307 of IPC and subsequently, since the deceased died, the case has been altered into under Section 302 of IPC. He further submitted that the petitioners were arrested and remanded to judicial custody on 12.07.2019 and from that date onwards they are in custody. He further submitted that already this Court granted bail to the Accused No.1 and 3 in CrI.O.P.(MD).No.8468 of 2019 and therefore, he prayed to grant bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that due to civil dispute, seven accused persons have attacked the deceased with wooden log and caused serious injuries and hence initially the case was registered under Sections 147, 148, 294(b), 324, 506(ii), 307 of IPC and subsequently, the deceased succumbed to injuries and therefore the case has been altered into under Section 302 of IPC. He further submitted that already investigation has been completed and charge sheet also has been filed but, not taken on file and therefore, he opposed this petition.

5. Taking into consideration the fact that already this Court has granted bail to A1 and A3 and also the fact that the petitioners are in custody from 12.07.2019 and also the fact that the investigation has been completed and a charge sheet has also been filed, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Thirumayam.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of one week 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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Sd/-
13/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMAYAM.

2.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
PUDUKKOTTAI SUB JAIL.

4 THE SUPERINTENDENT
CENTRAL PRISON (WOMEN)
TRICHY.

5 THE INSPECTOR OF POLICE
ARIMALALM POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S. A. ARUN PRASAD Advocate SR.No.13427

ORDER
IN
CRL OP(MD) No.11353 of 2019
Date :13/08/2019

VSG
ES/PN/SAR 4/13.08.2019/3P/8C