



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.11293 of 2019

1.Suruliyappan @ Selvam

2. Sathiya

... Petitioners/Accused Nos.1 & 2

Vs

State rep.by its
The Inspector of Police,
Chinnamanur Police Station,
Theni District.

(Crime No. 322 of 2019). ... Respondent/Complainant

For Petitioners: M/s.A.Uthayakumar,
Advocate.

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

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

PRAYER :-

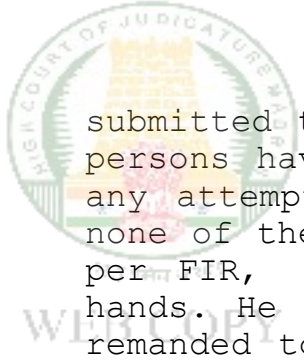
For Bail in Crime No. 322 of 2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused No.1
& 2 seeking bail for the alleged offence punishable under Sections
294(b), 302 and 341 of IPC in Crime No.322 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that due to civil dispute, a false case has been foisted
against the petitioners. He further submitted that even in the FIR,
the existence of civil dispute has been admitted. He further



submitted that as per FIR, even though it is stated that about six persons have witnessed the said occurrence, none of them have made any attempt to save the deceased and that itself would show that none of them have seen the occurrence. He further submitted that as per FIR, these petitioners have attacked the deceased only with hands. He further submitted that the petitioners were arrested and remanded to judicial custody on 13.06.2019 from that date onwards, they are in custody and by this time investigation might have been completed 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 land dispute, on 12.06.2019 at about 04.00 p.m the petitioners have attacked the deceased who is aged about 70 years with hands and committed murder. He further submitted that the investigation is still pending and hence, he strongly opposed this petition.

5.Taking into consideration the submission made by the learned counsel for the petitioner that as per FIR, the petitioners have attacked the deceased with hands only and even though it is stated in the FIR, about six persons belonged to the family of the deceased were present and none of them made any attempt to intervene and also the fact that the petitioners are in custody from 13.06.2019 and by this time a major portion of the investigation might have been completed, this Court is inclined to grant bail to the 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 learned Judicial Magistrate, Uthamapalayam, Theni District.

[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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/ TRUE COPY /

sd/-
13/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
- 2.-do-thro-THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT,
THE CENTRAL PRISON, MADURAI.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
5. THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S. A.UTHAYAKUMAR Advocate SR.No.13420

ORDER
IN
CRL OP(MD) No.11293 of 2019
Date :13/08/2019

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