



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11389 of 2019

1.Bharathi
2.Parthiban
3.Kumar

... Petitioners/Accused
No.6,8 and 9

Vs

State rep.by
The Inspector of Police,
Nadujkaveri Police Station,
Thanjavur District.
Crime No. 90/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
Advocate.

For Respondent : Mr. A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

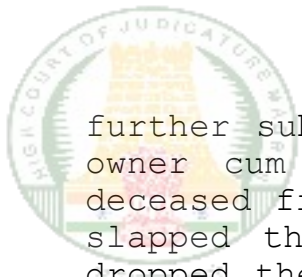
For bail in Crime No. 90 of 2019 on the file of the
respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused No.6,
8 and 9 seeking bail for the alleged offence punishable under
Sections 302, 147, 148, 294(b), 120B, 109 and 34 of IPC in Crime
No.90 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent persons and they have
been falsely implicated in the above case. He further submitted
based on the confession said to have been given by A1 before the
police, the petitioners herein have been arrayed as accused. He



further submitted that as per the FIR, the first petitioner is the owner cum driver of the Taxi, which was used for bringing the deceased from Tirupur to Thanjavur and the petitioners 2 and 3 have slapped the deceased at Thanjavur bus stand and later they have dropped the defacto complainant's daughter in one Malarkodi's house and no other allegations made against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 15.06.2019 and from that date onwards they are in custody and therefore, he prayed to grant bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that during investigation, A1 was arrested and A1 gave confession voluntarily and in the said confession, he has clearly stated that the first petitioner is the owner cum driver of the Taxi which was used for bringing the deceased from Tirupur to Thanjavur and the petitioners 2 and 3 have slapped the deceased at Thanjavur bus stand and later they have dropped the defacto complainant's daughter in one Malarkodi's house and hence, he strongly opposed this petition.

5.Taking into consideration of the fact that the petitioners were arrayed as accused based on the confession said to have been given by A1 before the police and the submission made by the learned Government Advocate (Crl. Side) that the first petitioner is the owner cum driver of the Taxi which was used for bringing the deceased from Tirupur to Thanjavur and the petitioners 2 and 3 have slapped the deceased at Thanjavur bus stand and later they have dropped the defacto complainant's daughter in one Malarkodi's house and no other allegations have been made against the petitioners and also the fact that the petitioners were arrested and remanded to judicial custody on 15.06.2019 and from that date onwards they are in custody and nothing has been recovered from them, 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, Thiruvaiyaru.

[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.

sd/-
16/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
NADUJKAVERI POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. R. MAHESWARAN Advocate SR.No.13603

ORDER
IN
CRL OP(MD) No.11389 of 2019
Date :16/08/2019

vsg
TK/VR/SAR.3/16.08.2019/3P/7C