



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.11504 of 2019

1. Muthukumar
2. Dhanabal
3. Jayashankar
4. Radha @ Radhakrishnan ... Petitioners/Accused No.1,2,3 & 5

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.208 of 2019)

... Respondent/Complainant

For Petitioners: M/s.G.Karnan, 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.208 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 , 3 and 5 seeking bail for the alleged offence punishable under Sections 147, 148, 323, 324 and 302 of IPC, in Crime No.208 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that the petitioners were arrested and remanded to judicial custody on 07.06.2019 and from that date onwards they are in custody. He further submitted that already the Sessions Court has granted bail to A6 and A7 and since A4 is juvenile and he was granted bail by the



Juvenile Justice Board. He further submitted that by this time the investigation might have been completed and therefore, he prayed for grant of bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that on 05.06.2019, when the defacto complainant attempted to erect flex board in the main road near Palakattai in connection with a marriage function which would be held on 06.06.2019, the second accused entered wordy quarrel with the defacto complainant and at the time, the deceased intervened to pacify both the parties and enraged by the same, all the accused persons have attacked the deceased with hands and also wooden log and caused serious injuries. He further submitted that when the deceased was taken to the hospital, there it was declared as brought dead. He further submitted that the investigation not yet completed and therefore, he strongly opposed this petition. However, he fairly conceded that since A4 is juvenile and he was released on bail by the Juvenile justice Board and A6 and A7 were released on bail by the Sessions Court.

5. Taking into consideration of aforesaid facts and also the circumstances of the case and also the fact that the petitioners are in custody from 07.06.2019 and by this time a major portion of the investigation might have been completed and also the fact that already A6 and A7 were released on bail by the Sessions Court and no bad antecedent is reported against the petitioners, 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 District Munsif Cum Judicial Magistrate, Papanasam.

[b] the petitioners 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 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/-
19/08/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S.G.KARNAN Advocate SR.No.13647

ORDER
IN
CRL OP(MD) No.11504 of 2019
Date :19/08/2019

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