



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/09/2019

PRESENT

The Hon'ble Mr. Justice G.R. SWAMINATHAN

CRL OP (MD) . No.12064 of 2019

WEB COPY

1.M.Abirami

2.D.Balamurugan

... Petitioners/Accused Nos. 1 & 3

Vs

The State rep.by
Inspector of Police,
Alanganallur Police Station,
Madurai,
(Crime No. 209/2019).

... Respondent/Complainant

For Petitioners : M/s.R.Kannan,
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. 209/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners are in custody since 03.06.2019 for the offences under Sections 147, 148, 341, 307 IPC @ 147, 148, 341, 302 IPC @ 120(B), 147, 148, 341, 336, 302 of I.P.C. in Crime No.209 of 2019 on the file of the Inspector of Police, Alanganallur Police Station. They seek bail.

2.Heard the learned counsel on either side.

3.The statutory period of ninety days has already expired and no final feport has been filed. Hence, the petitioners are entitled to bail as a matter of right. Accordingly, they are enlarged on bail subject to the following conditions;

[a] the petitioners shall execute 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 Judicial Magistrate, Vadipatti, Madurai District.



[b] the petitioners are directed to appear before the respondent police as and when required for 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 abscond, a fresh FIR can be registered under Section 229A IPC.

4. This Court wanted to know as to why the final report could not be filed within the statutory period of 90 days. The investigating officer submitted that since they could not get the viscera report, they could not file the final report. This Court wanted to know as to when the requisition for the viscera report was sent and why there was delay. Even though, this Court waited for quite a few minutes, the particulars could not be furnished. The Superintendent of Police, Madurai Rural, is directed to get explanation from the investigating officer as to why the final report could not be filed in time and on whose part there was delay.

sd/-

03/09/2019

/ TRUE COPY /

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

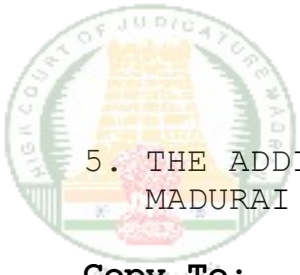
TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.

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

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI.



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

Copy To:

THE SUPERINTENDENT OF POLICE,
MADURAI RURAL

+1 CC to M/s.R.KANNAN, Advocate (SR-14608[I] dated 03/09/2019)

ORDER

IN

CRL OP (MD) No.12064 of 2019

Date : 03/09/2019

SKM

ES/PN/SAR 1/04.09.2019/3P/8C