



WEB COPY

CRL OP(MD). No.11644 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11644 of 2019

1. Deepak Raja
2. Muthumano

... Petitioners/Accused No.6 & 4

Vs

State Rep.by
The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(In Crime No.152 of 2015)

... Respondent/Complainant

For Petitioners: M/s.R.Alagumani, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

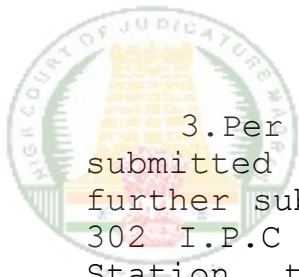
For Bail in Crime No.152 of 2015 on the file of the respondent Police.

ORDER : The Court Made the following order :-

1.This petition has been filed by the petitioners/Accused-6 and 4, seeking bail for the alleged offences punishable under Section 341, 294(b), 120(b), 307 and 397 I.P.C in Cr.No.152 of 2015 on the file of the respondent Police.

2.The learned counsel for the petitioners has submitted that in this case, the petitioners were already released on bail by the Sessions Court and subsequently, charge sheet has been laid in P.R.C.No.23 of 2015. Pending committal, the petitioners were implicated in one another case and they have been arrested. Hence, non-bailable warrant was issued against the petitioners on 27.11.2017 and on PT warrant, the petitioners were produced and remanded to judicial custody on 01.07.2019. Therefore, he prayed to grant bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>



3.Per contra, the learned Additional Public Prosecutor has submitted that in this case, there are totally twelve accused. He further submitted that in another case which was filed under Section 302 I.P.C in Cr.No.81 of 2019, on the file of the Sethur Police Station, these petitioners were already granted bail. He further submitted that except the petitioners, other accused persons are absconding. He further submitted that in this case, charge sheet has been laid in P.R.C.No.23 of 2015 and it is pending for committal. As investigation is pending, he strongly opposed this petition.

4.However, taking into consideration of the fact that the petitioners are in judicial custody from 01.07.2019 and since the other accused persons are absconding, the case has not been committed to the Court of Sessions for the past 4 years, this Court is inclined to grant bail to the petitioners, by imposing conditions:-
Accordingly,

[a] the petitioners are ordered to be released on bail on each of them executing 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 the learned Judicial Magistrate, Devakottai

[b] the petitioners shall report before the concerned Judicial Magistrate, daily at 10.30 a.m on all working days until further orders.

[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 petitioner 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/-
21/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT JAIL,
THENI, THENI DISTRICT.
 4. THE INSPECTOR OF POLICE,
ARAVAYAL POLICE STATION, SIVAGANGAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.ALAGUMANI, Advocate SR.No.13866

ORDER

IN

CRL OP(MD) No.11644 of 2019

Date :21/08/2019

MS/VR/SAR-3/22.08.2019/3P.7C