



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11965 of 2019

Venkatesan

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
in Crime No.163 of 2019

... Respondent/Complainant

For Petitioner : Dr.K.Malathi,
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. 163 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.25 seeking bail for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 506(i), 307, 302 of IPC and Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.163 of 2019

2. Heard both sides

3. The learned counsel appearing for the petitioner has submitted that the name of the petitioner has not been mentioned in the FIR and only based on the confession said to have been given by co-accused, the petitioner herein arrayed as accused. He further submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that already this



Court has granted bail to the Accused No.5, 7, 10, 11, 12, 14, 15 and 16 in Crl.O.P.(MD).No.10945 of 2019 by the order dated 09.08.2019. He further submitted that the petitioner was arrested and remanded to judicial custody on 08.07.2019 and from that date onwards he is in custody. Therefore, he prayed to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that during temple festival the petitioner and other accused persons unlawfully assembled together and assaulted several persons and caused injuries to them, due to which one person was succumbed to injuries. Hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the name of the petitioner has not been mentioned in the FIR and only based on the confession said to have been given by co-accused, the petitioner herein arrayed as accused and also the fact that the petitioner is in custody for the past 53 days and also the fact that already this Court has granted bail to the Accused No.5, 7, 10, 11, 12, 14, 15 and 16 in Crl.O.P.(MD).No.10945 of 2019 by the order dated 09.08.2019, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail on his 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 Judicial Magistrate, Melur.

[b] the petitioner shall stay at Hosur, Krishnagiri District and report before the Hosur Town Police Station daily at 10.30 a.m 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 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/-

30/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, MELUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE OFFICER INCHARGE, SUB JAIL,
MELUR, MADURAI DISTRICT.
 4. THE INSPECTOR OF POLICE,
KEELAVALLAVU POLICE STATION,
MADURAI DISTRICT.
 5. THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to DR.K.MALATHI Advocate SR.No.14504

ORDER

IN

CRL OP(MD) No.11965 of 2019

Date : 30/08/2019

MS/VR/SAR-3/30.08.2019/3P.8C