

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

Date : 05/09/2019

PRESENT

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

CRL OP(MD). No.11959 of 2019

1. Kumaresan  
2. Parkunan

... Petitioners/Accused No.1 & 2

Vs

State rep.by

The Inspector of Police,  
Karambakkudi Police Station,  
Pudukkottai District.  
(in Crime No. 149/2019)

... Respondent/Complainant

For Petitioners : 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.149 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners are in custody since 09.07.2019 for the offences under Sections 294(b), 307 r/w. 294(b) and 302 of I.P.C., in Crime 149 of 2019, seek bail.

2.The case of the prosecution is that a quarrel arose between the petitioners on the one hand and the deceased on the other outside the wineshop and that the petitioners assaulted the deceased. The deceased was taken to hospital, where he succumbed to injury few days later. That is why, FIR was altered and the offence under Section 302 of I.P.C. was also incorporated. The petitioners are in custody for more than 58 days.

3.The learned Government Advocate (Crl. Side) submitted that the investigation appears to be almost over and the petitioners are not having any previous case.

4.Taking note of all these aspects, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

[a] the petitioners are 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, Alangudi.

[b] the petitioners shall report before the respondent police 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/-  
05/09/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGUDI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE  
KARAMBAKKUDI POLICE STATION, PUDUKKOTTAI DISTRICT

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

<https://hcservices.ebar.in/CaseDetails.aspx?CaseNo=11959&CaseType=CRL>

+1 CC to M/s.R.MAHESWARAN, Advocate ( SR-14844[I] dated 05/09/2019 )

ORDER

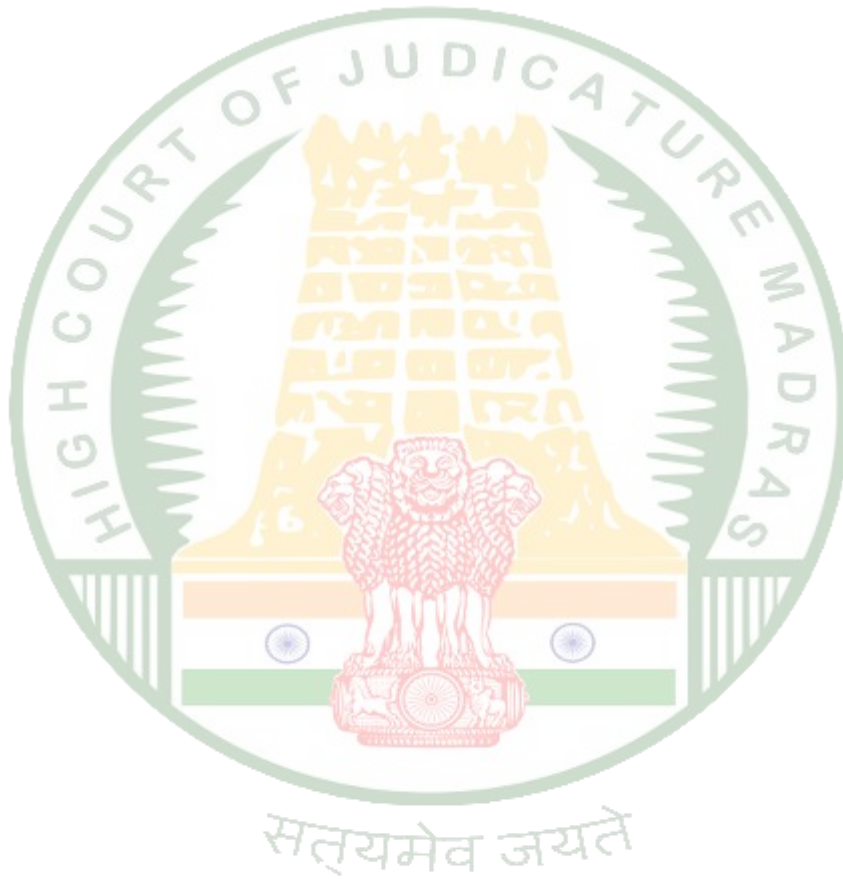
IN

CRL OP(MD) No.11959 of 2019

Date :05/09/2019

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