



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12155 of 2019

Sakthivel

... Petitioner/Sole Accused

Vs

state rep.by

The Inspector of Police,
Kurangani Police Station,
Theni District.

(Crime No.48 of 2019)

... Respondent/Complainant

For Petitioner : M/s. A. Arputharaj,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

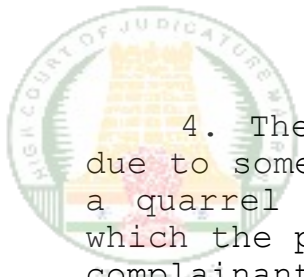
For Bail in Crime No.48 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Section 307 of IPC and Section 3, 25(1B) (a) Arms Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 20.07.2019 and he is in custody for the past 40 days. He further submitted that the injured person was discharged from the hospital. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that due to some previous enmity regarding laying of pipeline there was a quarrel between the petitioner and the defacto complainant in which the petitioner took the country made gun and shoot the defacto complainant's father-in-law. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the injured was discharged from the hospital.

5. Taking into consideration of the fact that the petitioner is in custody for the past 40 days and also the fact that the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioner.

[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 , Bodinayakkanur.

[b] However considering the allegation made against the petitioner that he used the country made gun at the time occurrence, this Court is of the view that the the petitioner shall stay at Pudukottai and report before the Pudukottai Town Police daily at 10.30 a.m for a period of one month and thereafter before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 petitioner 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/-
30/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, BODINAYAKKANUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT PRISON,
THENI.
 4. THE INSPECTOR OF POLICE,
KURANGANI POLICE STATION,
THENI DISTRICT.
 5. THE INSPECTOR OF POLICE,
PUDUKOTTAI TOWN POLICE STATION,
PUDUKOTTAI.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.S.SABBANI KARBURAJOTHI, Advocate SR.No.14431

ORDER

IN

CRL OP(MD) No.12155 of 2019

Date :30/08/2019

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