

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

Date : 04/09/2019

PRESENT

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

CRL OP(MD). No.12335 of 2019

S.Sasikumar ... Petitioner/Accused No.5
Vs

State rep.by
The Inspector of Police,
Thiruverumbur Police Station,
Trichy.
(Crime No.228 of 2019. ... Respondent/Complainant

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

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For bail petition in Cr.No.228 of 2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate (Crl.side) appearing for the respondent.

2.The petitioner is figuring as A7 in Crime No.228 of 2019
registered on the file of the respondent for the offences under
Sections 341, 294(b), 307, 302 and 506(ii) of IPC.

3.The petitioner was arrested on 08.07.2019. He is in prison
for about 55 days.

4.The case of the prosecution is that there was a financial
dispute between the first accused and the deceased and that, on the
occurrence date, ie., 08.07.2019, the deceased was brutally attacked
with deadly weapon in a public place and done to death.

5.According to the learned Government Advocate (Crl.side), the
role of the petitioner came to light only during investigation from
the confession of the co-accused. The petitioner is said to have
kept watch on the movements of the deceased.

<https://hdservices.eports.gov.in/hdservices/>

6.It is seen that even in the FIR, only four persons have been implicated. Even in the confession of the co-accused, the only role attributed to the petitioner is that he was keeping watch on the movement of the deceased. The petitioner is not said to have taken actual part in the physical attack of the deceased. The petitioner is aged about 23 years. He is not having any previous case.

7.Taking note of these aspects, I am inclined to enlarge the petitioner on bail. However, the petitioner will have to be put on terms.

8.At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner would appear before the respondent daily at 10.00 a.m., and 06.00 p.m., for a period of 50 days and that, he would not apply for modification of this condition.

9.Accordingly, the petitioner is released on bail subject to the following conditions:-

(i) the petitioner 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 the learned Judicial Magistrate No.VI, Trichy.

(ii)the petitioner shall appear before the respondent police daily at 10.00 a.m., and 06.00 p.m., for a period of 50 days;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

[v] 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].

[vi] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/09/2019

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

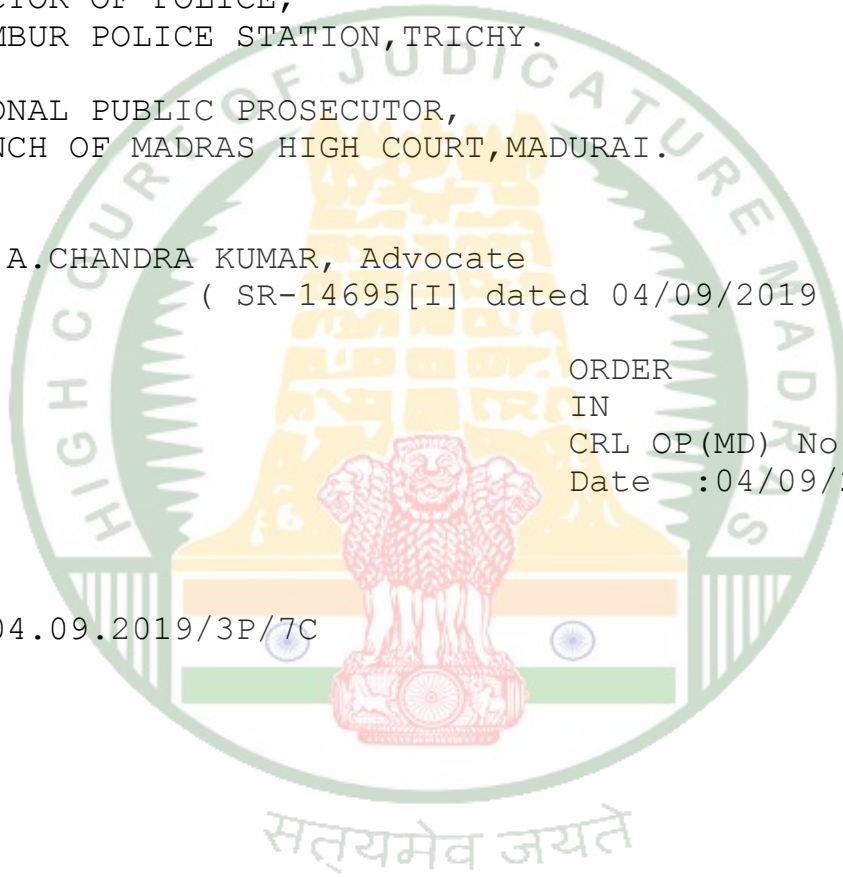
TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THIRUVERUMBUR POLICE STATION, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.CHANDRA KUMAR, Advocate
(SR-14695[I] dated 04/09/2019)

ORDER
IN
CRL OP(MD) No.12335 of 2019
Date : 04/09/2019

RMI
ES/PN/SAR 3/04.09.2019/3P/7C



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