

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2019

PRESENT

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

CRL OP(MD). No.12648 of 2019

A. Karuppuchamy, ... Petitioner/Accused No.1

Vs

The State Through
The Inspector of Police,
Silaiman Police Station, Madurai
District. in Cr.No.247/2019. ... Respondent/Complainant

For Petitioner : M/s. M. Jerin Mathew,
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.247 of 2019 on the file of the respondent

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 arrayed as A1. The petitioner is in custody since 17.07.2019 for the offences punishable under sections 147, 148, 294(b), 341, 323, 324, 302 and 506(2) of I.P.C., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No. 247 of 2019 on the file of the respondent police. He seeks bail.

3.The petitioner is a practising lawyer. The husband of the defacto complainant had been stabbed to death on 14.07.2019, following a dispute over conferment of first honour before the village deity. In this case, as many as 10 persons have been implicated by name in the FIR itself. Investigation is over and viscera report alone is awaited.

4.The petitioner's counsel would submit that the petitioner has been deliberately and falsely implicated as the defacto complainant apprehended that he may stand by the persons who had actually committed the crime.

5.Taking note of the overall facts and circumstances of the case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be 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 Additional Mahila Court, Madurai.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(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 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].

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

sd/-
12/09/2019

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

TO

1. THE ADDITIONAL MAHILA COURT, MADURAI.

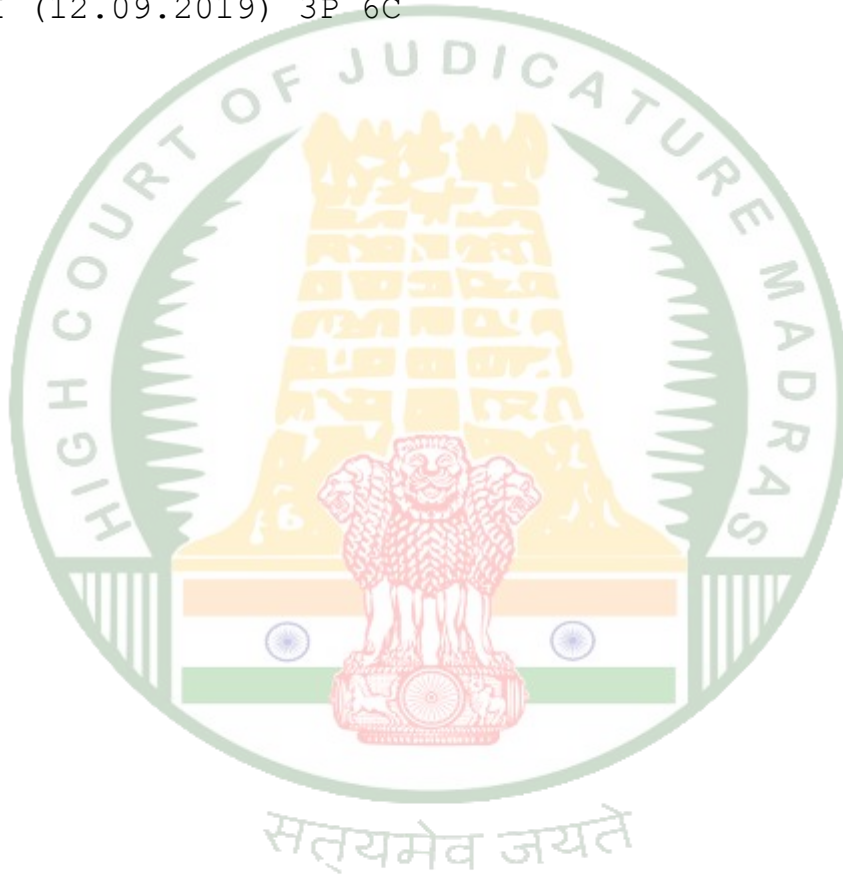
2. THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.M.JERIN MATHEW, Advocate Sr. No. 15227

ORDER
IN
CRL OP(MD) No.12648 of 2019

TR/PN/SAR-III (12.09.2019) 3P 6C



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