

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.12644 of 2019

1. Bhathruhari,
2. Zaheer Husain, Petitioners/Accused No.5 & 6

Vs

State Through
The Inspector of Police,
Jaihindpuram Police Station,
Madurai City,
Madurai(In Crime No.429 of 2019).
.... Respondent/Complainant

For Petitioner : M/s. R. Alagumani,
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.429 of 2019 on the file of the respondent

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are arrayed as A5 and A6. The petitioners are in custody since 13.08.2019 for the offences punishable under sections 147, 148, 294(b), 307, 324, 429, 427 and 506(ii) of I.P.C., and Section 4 of TNPHW Act, 2002 in Crime No.429 of 2019 on the file of the respondent police. They seek bail.

3.Taking note of the facts and circumstances of this case, I am 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;

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate IV, Madurai.

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

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

(iv) the petitioners 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

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
2. DO TRHOUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION, MADURAI
CITY, MADURAI
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1CC TO MR.R.ALAGUMANI, Advocate Sr. No. 15274

ORDER
IN
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TR/PN/SAR-III (12.09.2019) 3P 7C



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