



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2019

PRESENT

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

CRL OP (MD) . No.13110 of 2019

1. Baskar,

2. Nandhakumar,,

... Petitioners/Accused No.3 & 4

Vs

The Inspector of Police,
Thuraiyur Police Station, Trichy
District. (Crime No. 213 of 2019).

... Respondent/Complainant

For Petitioners : M/s. G.JEGANATHAN,
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. 213 of 2019 on the file of the Respondent Police.

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 accused A3 and A4. The petitioners are in custody since 09.08.2019 for the offences punishable under sections 294(b), 452 and 302 of I.P.C., in Crime No. 213 of 2019 on the file of the respondent police. They seek



3. The petitioner's counsel seeks permission to withdraw this criminal original petition as far as first petitioner Baskar is concerned. Hence, this criminal original petition is dismissed as withdrawn as regards first petitioner.

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4. As regards second petitioner Nandhakumar, it is seen that he is in custody since 09.08.2019. He has not actually taken part in the attack of the deceased. He has kept watch on his movements. He is not having any previous case. Hence, bail is granted to the second petitioner Nandhakumar. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second 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, Thuraiyur.

(ii) the second petitioner shall appear before the respondent police as and when required for interrogation.

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

(iv) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 second petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/09/2019

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

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.



4. THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION, TRICHY DISTRICT.

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

+1CC TO MR.VEERA ASSO., Advocate Sr. No. 15965

ORDER IN
CRL OP (MD) No.13110 of 2019

TR/PN/SAR-III (20.09.2019) 3P 7C