

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.13112 of 2019

Sundar

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Reddiyarchatram Police Station,  
Dindigul District.  
(Crime No. 138 of 2019).

... Respondent/Complainant

For Petitioner : M/s.B.Vinothkumar,  
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. 138 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 in custody since 19.08.2019. for the offences punishable under sections 294(b) and 307 of I.P.C., in Crime No.138 of 2019 on the file of the respondent police. He seeks bail.

3. This petition is opposed by the learned Government Advocate (Crl.side) by citing the antecedents of the petitioner. He is said to be having some 14 cases.

4. I went through the contents of the FIR. They do not inspire my confidence. The victim has not suffered any injury.

5. Taking note of the facts and circumstances of this 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 Judicial Magistrate, Ottanchatram.

(ii) the petitioner shall appear before the respondent police as and when required for 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 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/-  
20/09/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
OTTANCHATRAM.
- 2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
- 3 THE OFFICER IN CHARGE,  
DISTRICT PRISON, THENI.
- 4 THE INSPECTOR OF POLICE  
REDDIYARCHATRAM POLICE STATION,  
DINDIGUL DISTRICT.

<https://hcservices.mdtc.gov.in/hcservices>

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

+1 CC to M/s.B.VINOTH KUMAR, Advocate ( SR-15971[I] dated 20/09/2019 )

ORDER  
IN  
CRL OP(MD) No.13112 of 2019  
Date :20/09/2019

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ES/PN/SAR 3/20.09.2019/3P/7C



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