



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

Date : 20/09/2019

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PRESENT

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

CRL OP (MD) . No.13116 of 2019

1. Namachivayam,

2. Balakrishnan, ... Petitioners/Accused 1 & 2

Vs

The Inspector of Police,
Vathalai Police Station, Trichy
District. (Crime No. 160 of 2019).

... Respondent/Complainant

For Petitioners : M/s. T. Lenin Kumar,
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 :-

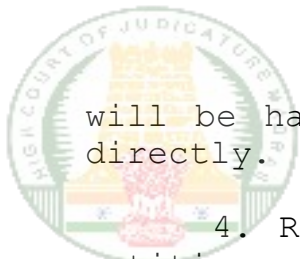
For Bail in Crime No. 160 of 2019 on the file of the Respondent Police.

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 in custody since 10.09.2019 for the offences punishable under sections 294(b) and 436 of IPC, in Crime No.160 of 2019 on the file of the respondent police. They seek bail.

3. The petitioners undertake to take demand draft for a sum of Rs.5,000/- in the name of the defacto complainant. This will be a non refundable payment. But this will be without prejudice to the petitioners' defence. This demand draft will be submitted by the learned counsel at the time of furnishing sureties. The same



will be handed over by the Court below to the defacto complainant directly.

4. Recording this undertaking, 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, Musiri, Trichy District.

(ii) the petitioners shall appear before the respondent police as and when required for 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 petitioners 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

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

TO

1. THE JUDICIAL MAGISTRATE, MUSIRI, TRICHY
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. The OFFICER INCHARGE, SUB JAIL, Musiri.
4. The Inspector of Police,
Vathalai Police Station, Trichy District.



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.T.LENIN KUMAR, Advocate Sr. No. 16003

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ORDER
IN
CRL OP (MD) No.13116 of 2019
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TR/PN/SAR-III (20.09.2019) 3P 7C