



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.13141 of 2019

1. Aathmanathan

2. Annadurai ... Petitioners/ Petitioners/A2, A3 Accused

Vs

State by:-

The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

(Crime No. 60 of 2019). ... Respondent/Defacto Complainant

For Petitioners : M/s.S.Krishnan,
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. 60 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 figuring as A2 and A3. The petitioners are in custody since 30.08.2019 and 05.09.2019 respectively for the offences punishable under sections 147, 148, 341, 294(b), 323, 324 and 302 of IPC of I.P.C., in Crime No.60 of 2019 on the file of the respondent police. They seek bail.

3. The occurrence took place on 31.01.2019. The deceased is the brother of the defacto complainant. The overt act attributed to the petitioners is that they hit the father of the defacto complainant on his legs. From a reading of the FIR, it appears that the petitioners did not have any role in the causing of death of Selvavinayagam. Selvavinayagam was hit on the head by one Arjunan (Arjunan) who was arrested and released on bail.



4. 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;

WEB COPY

(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, Aranthangi.

(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

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SESSIONS JUDGE,
PUDUKOTTAI.

2 THE JUDICIAL MAGISTRATE
ARANTHANGI.

3 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

4 THE OFFICER IN CHARGE,
DISTRICT JAIL, PUDUKOTTAI.

5 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.



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

+1 CC to M/s.S.KRISHNAN, Advocate (SR-16027[I] dated 20/09/2019)

WEB COPY

ORDER

IN

CRL OP(MD) No.13141 of 2019

Date :20/09/2019

ES/PN/SAR 3/20.09.2019/3P/8C