



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

Date : 28/01/2020

PRESENT

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

WEB COPY

CRL OP(MD) . No.1315 of 2020

Muthupandi

... Petitioner/Accused NO.2

Vs

State Represented by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No.238 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.Thiruvadi Kumar,
Advocate.

For Respondent : M/s.Anandha Devi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.238 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 21.12.2019 for the offences punishable under sections 147, 342, 347, 364, 302 and 506 (ii) of I.P.C., in Crime No.238 of 2019 on the file of the respondent police. He seeks bail.

3. The defacto complainant is said to have borrowed money from the accused persons and failed to repay the same. The accused are said to have abducted the deceased and beaten him. That is said to have caused his eventual death.



4.The petitioner's counsel would claim that the deceased died due to poisoning.

5.But then, the learned Government Advocate (Crl.side) submitted that the viscera report does not disclose the presence of any poisonous substance. The learned Government Advocate would also point out that the main accused is still absconding.

6.Be that as it may, the continued incarceration of the petitioner is not going to serve any purpose. The petitioner appears to be a permanent resident of Athitchanallur Village. Therefore, I am inclined to grant bail. The petitioner will have to appear before the respondent daily at 07.00 a.m. The petitioner will have to comply with till the first accused is secured. If the first accused is secured, the petitioner need not comply with the said condition.

7.The petitioner's counsel, on instructions, gives an undertaking that he will not apply for modification or relaxation of this condition till the first accused is secured.

8. Bail is ordered on these terms. 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, Srivaikundam.

(ii) the petitioner shall appear before the respondent police daily at 07.00 a.m., till the first accused is secured.

(iii) 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].

sd/-
28/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM.

WEB COPY

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER IN CHARGE,
DISTRICT JAIL, PERURANI.

4 THE INSPECTOR OF POLICE
ERAL POLICE STATION, ERAL POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-1576 dated 28/01/2020)

ORDER

IN

CRL OP(MD) No.1315 of 2020

Date :28/01/2020

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ES/VR/SAR 1/28.01.2020/3P/7C