



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.2762 of 2020

PPS.Selvam @ Kadhar Moideen

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(In Crime No.293/2019)

... Respondent/Complainant

Anwar Banu

... Intervene Petitioner/
Defacto Complainant

For Petitioner : M/s.S.Lawrence Vimal Raj, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.K.C.Ramalingam, Advocate

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

PRAYER :-

For Bail in Crime No. 293/2019 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 12.12.2019 for the offences under Sections 147, 148 and 302 of I.P.C. in Crime No.293 of 2019 on the file of the respondent police. Hence, he seeks bail.

3. The learned counsel appearing for the intervener and the learned Government Advocate (Crl. Side) would point out that owing to the loss of office in the local jamaat, the petitioner had engaged mercenaries and got the deceased killed. The allegations are fairly serious and it is stated that tension is still prevailing in the locality.



4. Investigation appears to be substantially over. Therefore, I am inclined to grant bail to the petitioner provided the petitioner should stay away.

5. The petitioner's counsel on instructions gives an undertaking that the petitioner will stay at Dindigul and report before Dindigul Town North Police Station daily at 10.30 a.m. and 06.00 p.m. for a period of eight weeks. He gives a further undertaking that he will not file a petition for modification of relaxation of this condition.

6. Subject to these conditions, 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 Judicial Magistrate, Melur, Madurai.

(ii) the petitioner is directed to appear before Dindigul Town North Police Station daily at 10.30 a.m. and 06.00 p.m. for a period of eight weeks and thereafter appear before the respondent police as and when required for the interrogation.

(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/-
19/02/2020

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

TO

1. THE JUDICIAL MAGISTRATE, MELUR,
MADURAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



4. THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.

5. THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION.

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

+1 CC to M/s.S.LAWRENCE, Advocate (SR-3465[I] dated 19/02/2020)

ORDER
IN
CRL OP(MD) No.2762 of 2020
Date :19/02/2020

MS/PN/SAR-1/19.02.2020/3P.8C