



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

Date : 24/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.3221 of 2020

1.Firdhos
2.Mohammed Asif ... Petitioners/Accused 1 and 2

Vs

The State rep.by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No.361 of 2018 ... Respondent/Complainant

For Petitioners : M/s.B.Jameel Arasu,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.361 of 2018 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 03.10.2019 for the offences punishable under sections 302 and 201 of I.P.C., in Crime No. 361 of 2018 on the file of the respondent police. They seek bail.

3. The petitioners are in custody following the enforcement of PT warrant. The petitioners were implicated in an another case in Karnataka and according to the learned counsel for the petitioners, owing to their arrest in the other case, the petitioners could not appear for the case on hand.

4.Since, the petitioners were arrested only pursuant to the PT warrant, I am inclined to grant bail to the petitioners.

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



5. The learned counsel for the petitioners on instructions gives an undertaking that the petitioners will regularly appear in S.C.No.69 of 2019 on the file of the Principal District Judge, Theni.

6. If the petitioners are unable to appear, they will ensure that petitions for condoning their absence is filed. On no account, the trial should suffer because of their absence. If this undertaking is breached, this Court will not hesitate to cancel the bail now granted to the petitioners.

7. Subject to this condition and recording the petitioners undertaking, 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 petitioners 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, Periyakulam, Theni district.

(ii) the petitioners are directed to 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 petitioners 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/-
24/02/2020

/ TRUE COPY /

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

TO

1. THE PRINCIPAL DISTRICT JUDGE, THENI.

2. THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

3. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



4.THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.

5.THE OFFICER INCHARGE,
DISTRICT PRISON,
UDUPPI DISTRICT AT KARNATAKA STATE.

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

+1 CC to M/s.J.VISHNU, Advocate (SR-3833[I] dated 24/02/2020)

ORDER

IN

CRL OP(MD) No.3221 of 2020

Date :24/02/2020

PNN

TK/VR/SAR.4/24.02.2020/3P/8C