



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2020

PRESENT

WEB COPY

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5214 of 2020

Deena

... Petitioner/Accused No.1

Vs

The State rep.by

The Inspector of Police,

Rayappanpatti Police Station,

Theni District (Crime No.121 of 2019). ... Respondent/Complainant

For Petitioner : M/s.A.K.Manickam,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in Cr.No.121 of 2019 on the file of the respondent police.

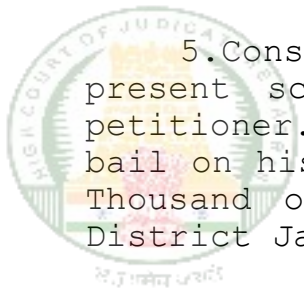
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 04.12.2019 for the offences punishable under sections 449, 394, 398, 302 IPC altered into Sections 449, 457, 394, 398, 302, 326 and 307 IPC, in Crime No.121 of 2019 on the file of the respondent police. He seeks bail.

3.In the objection submitted by the learned Additional Public Prosecutor, it is stated that it is a case of murder for gain in which, the petitioner was arrested on 04.12.2019. Earlier bail petition was dismissed by this Court on 09.03.2020 considering the nature of offence and the stage of investigation.

4.The learned counsel for the petitioner submitted that investigation has been completed and final report has already been filed and taken on file by the learned Principal District and Sessions Judge, Theni in S.C.No.23 of 2020.



5. Considering the subsequent development in the case and the present scenario, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Prison Superintendent, District Jail, Theni and on further condition that,

[a] the petitioner shall report before the respondent police on every Monday at 10.30 a.m., till 29.06.2020.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during trial.

[d] 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].

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/04/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, THENI.
- 4 THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5214 of 2020
Date :15/04/2020