



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

Date : 12/06/2020

PRESENT

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

CRL OP(MD) . No.5951 of 2020

S.Murugan ... Petitioner/Accused No.2

Vs

The State Rep. By
The Inspector of Police,
Natham Police Station,
Natham,
Dindigul District
(Cr.No. 70 / 2020).

... Respondent/Complainant

For Petitioner : M/s. T.K.Gopalan,
Advocate.

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

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

PRAYER :-

For Bail in Crime.No. 70 of 2020 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.2. He was arrested and remanded to Judicial Custody on 24.02.2020 for the offences punishable under sections 147, 148, 452, 427, 324, 302 and 379 of I.P.C., in Crime No.70 of 2020 on the file of the respondent police. He seeks bail.

3. More than 90 days have elapsed and final report is yet to be filed. The petitioner's counsel states that the petitioner is



therefore entitled to default bail. I am conscious that two diametrically opposite views have been taken. But till date no order from the Hon'ble Supreme Court has come to my knowledge. I am therefore inclined to hold that the petitioners are entitled to default bail.

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4. The learned Government Advocate(Crl. Side) pointed out that the manner of occurrence is rather brutal and gruesome and that therefore the petitioner will stay at Madurai and report before the Anna Nagar police station at 10.00 a.m. for a period of eight weeks.

5. The petitioner's counsel gives a further undertaking that he will not apply for modification or relaxation of this condition. The petitioner is sternly directed not to enter Natham Taluk limits for a period of eight weeks. If this condition is breached, I will not hesitate to cancel this bail.

6. Recording the said undertakings given by the petitioner and subject to the condition, 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 be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to 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, Natham, Dindigul District, after the concerned Court is reopened.

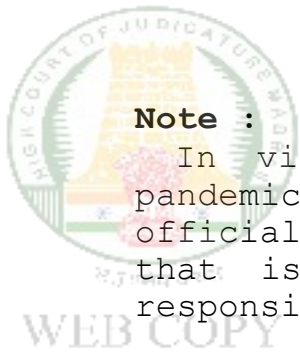
(ii) the petitioner is directed to report before the Anna Nagar police station, Madurai, at 10.00 a.m. for a period of eight weeks and thereafter, he is directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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/-
12/06/2020

/ TRUE COPY /

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



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE COURT
NATHAM,
DINDIGUL DISTRICT.
- 2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
NATHAM,
DINDIGUL DISTRICT
- 4 THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION,
MADURAI.
- 5 THE SUPERINTENDENT OF POLICE,
CENTRAL PRISON,
MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5951 of 2020
Date :12/06/2020

PD/JC/SAR 3/15.06.2020/3P/7C