



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.6157 of 2020

Jeevanandham

... Petitioner/Accused No.2

Vs

State of Tamil Nadu
The Inspector of Police,
Seithur Police Station, Virudhunagar
District (Crime No.66 of 2020).

... Respondent/Complainant

For Petitioner : M/s. Y.Prakash,
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.66 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 in custody since 26.03.2020 for the offences punishable under Sections 147,148,323,109 and 302 IPC, in Crime No.66 of 2020 on the file of the respondent police. He seeks bail.

3.The learned Government Advocate(Crl.side) opposes the grant of bail showing the bad antecedent of the petitioner. It is seen that the occurrence had taken place, because the victim was said to have misbehaved with the mother of the first accused.

4.The learned counsel appearing for the petitioner states that the petitioner would appear before the respondent police at 6.00 p.m., for a period of eight(8)weeks and that he would not apply for modification or relaxation of this condition.

5.It is also seen that all the accused have been arrested in this case. I make it clear that the grant of bail to the petitioner herein will not be cited as precedent for let in other accused on bail. Their cases will be dealt with entirely on merit and in accordance with law. With this clarification, bail is granted. 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, Rajapalayam, Virudhunagar District, after the concerned Court is reopened on regular basis;

(ii) the petitioner is directed to appear before the respondent police daily at 6.00 p.m., for a period of eight(8) weeks.

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

[iv] the petitioner shall not abscond either during investigation or trial.

[v] 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 petitioners 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].

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

(vii) The petitioner is not entitled to make any claim for relaxation or modification of the condition before this Court, in future.

sd/-
12.06.2020

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

NS

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.



1. The Judicial Magistrate, Rajapalayam,
Virudhunagar District.

2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.

3. The Superintendent, Central Prison, Madurai.

4. The Inspector of Police,
Seithur Police Station, Virudhunagar
District (Crime No.66 of 2020).

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.6157 of 2020
Date : 12/06/2020

VB SKN SAR3 (15.06.2020) 3P 6C