



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

Wednesday, the Seventeenth day of June Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6289 of 2020

WEB COPY

Prathap,

... Petitioner/Accused No.6

Vs

State rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.147 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Selvam for M/s. S.Muthukumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervener : Mr.Veera Kathiravan, Senior Counsel
for M/s.Veera Associates

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

PRAYER :-

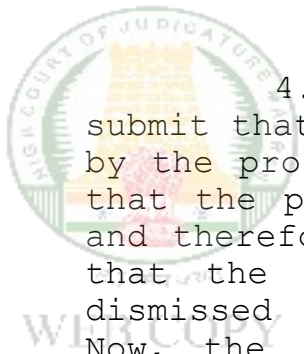
For Bail in Crime No.147 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner, who is arrayed as Accused No.6, was arrested and remanded to Judicial Custody on 25.03.2020, for the offences punishable under Sections 147, 148, 149, 302, 120B, 109 of IPC., in Crime No.147 of 2020, on the file of the respondent police, seeks bail.

3. The case of the prosecution is that due to previous enmity between the deceased and Accused Nos.1 and 2, the petitioner/A6 and others attacked the deceased with aruval.



4. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence, as alleged by the prosecution and he is an innocent. He would further submit that the petitioner is in judicial custody for more than 90 days and therefore, he is entitled for default bail. He also submitted that the earlier bail application filed by the petitioner was dismissed on the ground that investigation was at initial stage. Now, the investigation has been completed. Hence, the learned counsel prays for grant of bail to the petitioner.

5. The learned Senior Counsel appearing for the intervener vehemently opposes for grant of bail to the petitioner.

6. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that there are totally 10 accused in this case and the petitioner is arrayed as A6. The Accused Nos.8 and 10 are yet to be arrested. He would further submit that investigation in respect of the petitioner has been completed.

7. Considering the facts and circumstances of this case and also considering the fact that though the earlier bail petition filed by the petitioner was dismissed by this Court on the ground that investigation has not yet completed, now, according to the prosecution, investigation has been completed in respect of the petitioner and the petitioner is in judicial custody for more than 90 days, I am inclined to enlarge the petitioner on bail with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District;

(a) The sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) The petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation.

(c) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) The petitioner shall not abscond either during investigation or trial;

(e) 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.R.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/06/2020

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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- THRO THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

ORDER
IN
CRL OP (MD) No.6289 of 2020
Date :17/06/2020

PD/JC/SAR-II (17.06.2020) 3P 6C