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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7674 of 2020

Satheesh Kumar

... Petitioner/Accused-3

Vs

The State Rep. by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Cr.No. 30 of 2018.

... Respondent/Complainant

For Petitioner : M/s.A.R.Kannappan,
Advocate.

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

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

PRAYER :-

For Bail in P.R.C.No.62 of 2019 on the file of the Judicial Magistrate No.2, Ramanathapuram.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 07.07.2020 for the alleged offences under Sections 147,148,294(b),323,324 and 302 of IPC.

2. There are totally 11 accused in this case. The petitioner herein is arrayed as A3.The occurrence is said to have taken place on 04.02.2018. Due to previous enmity all the accused persons stated to have attacked the deceased with deadly weapons and caused his death. As far as this petitioner is concerned, he only pelted stones on the eye witnesses. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the said offence.

4. The learned Government Advocate(Crl.Side) would submit that the respondent police completed investigation and also filed final report before the concerned Magistrate and the same is pending committal in PRC.No.62 of 2019 on the file of the learned Judicial Magistrate No.II, Ramanathapuram. Since the petitioner was absconding Non Bailable Warrant was issued and subsequently he surrendered before the Court on 07.07.2020.

5. On perusal of the records, it is seen that the petitioner herein only pelted stones on the eyewitnesses. Except this no other allegation has been made against his petitioner. Now the investigation is also completed and final report has been filed and the same is pending committal in PRC.No.62 of 2019 on the file of the learned Judicial Magistrate No.II, Ramanathapuram.

6.Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is in jail for nearly one month, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the learned Judicial Magistrate No.II, Ramanathapuram once in a week on every Monday at 10.30 a.m until the case is committed to the Court of Sessions.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].



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

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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 No.II,
RAMANATHAPURAM.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT JAIL,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.7674 of 2020
Date :06/08/2020

AAV

TE/AKM/SAR-III : 06/08/2020 : 3P/6C

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