



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

Date : 11/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12876 of 2020

Suresh

... Petitioner/Sole Accused

Vs

The State by
The Inspector of Police,
Oomachikulam Town Police Station,
Madurai District.
Crime No.854 of 2020

... Respondent/Complainant

For Petitioner : Mr.S.Ramsundarvijayaraj,
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 Crime No.854 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.07.2020 for the offences punishable under Sections 294(b), 452, 307 of IPC and 4 of TN Prohibition of Harassment of Women Act @ 302 of IPC, in Crime No.854 of 2020, on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner states that the case was initially registered under Section 307 of IPC and on the death of the deceased converted to 302 IPC. The petitioner states that he is a single parent of four years child and he has to look after his aged mother also. The petitioner was working as a Auto Driver and he has not involved in any offence as alleged in the First Information Report.

3.The learned Government Advocate (crl. side) vehemently opposed by stating that the case is converted from 307 IPC to 302



IPC based on the dying declaration of the deceased and therefore, the petition is to be dismissed.

4.The fact remains that the investigations were completed and final report was filed by the respondent police. The petitioner has to look after his four years old child as well as his mother. This apart, there is no previous case against the petitioner.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.5, Madurai.

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 is directed to be present before the respondent police every day twice morning at 10.00 am., and evening at 06.00 pm., for a period of four weeks and thereafter, the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of another four weeks and thereafter, as and when required for interrogation.

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.

sd/-
11/11/2020

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO 5, MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
OOMACHIKULAM TOWN POLICE STATION,
MADURAI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-7484[I] dated 11/11/2020)

ORDER
IN
CRL OP(MD) No.12876 of 2020
Date :11/11/2020

SJI
TK/PN/SAR.4/11.11.2020/3P/7C