



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

Date : 02/01/2020

PRESENT

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

CRL OP(MD). No.19297 of 2019

K.Malaikannu

... Petitioner/Sole Accused

Vs

State rep.by its
The Inspector of Police,
Ilaiyankudi Police Station,
Sivagangai District
(In Crime No.291 of 2019).

... Respondent/Complainant

For Petitioner : M/s.J.Lawrance, Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.291 of 2019 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 16.12.2019 for the offences under Sections Sections 294(b) and 302 of IPC. He seeks bail.

3.The petitioner was originally granted anticipatory bail in this case. But even before he could execute the sureties, the victim passed away. Therefore, the First Information Report was altered to one under Sections 294(b) and 302 of IPC. As on date, the case stands registered for the offences under Sections 294(b) and 302 of IPC. The victim is none other than the petitioner's own brother.

4.The learned counsel for the petitioner gives an undertaking on instructions that a land dispute gave rise to the occurrence and that the petitioner will keep away from the disputed portion. If this undertaking is breached, the victim's family is at liberty to move this Court for cancellation of bail. The petitioner is aged about 68 years. His continued incarceration is not going to serve any purpose.



5. Taking note of the facts and circumstances of this case, 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;

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(i) the petitioner shall 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, Ilaiyankudi.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-

02/01/2020

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

TO

- 1 THE JUDICIAL MAGISTRATE, ILAIYANKUDI.
- 2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
ILAIYANKUDI POLICE STATION, SIVAGANGAI DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-27[I] dated 02/01/2020)

ORDER IN
CRL OP(MD) No.19297 of 2019
Date :02/01/2020

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