



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

Date : 16/07/2021

PRESENT

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

CRL OP(MD). No.8980 of 2021

Muthaiah

... Petitioner/Accused
(Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
Crime No.192 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Mohamed Haneef,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.192 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

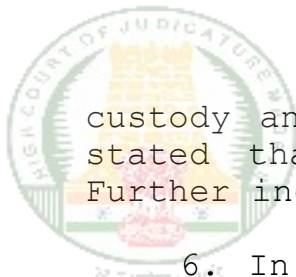
The petitioner is presently confined in Sub-jail, Sankarankovil

2. The petitioner is figuring as A7 in Crime No.192 of 2021, registered on the file of the respondent police for the offences under Section 302 I.P.C. And subsequently altered into Sections 302, 120(B), 109, 294(b) and 34 of I.P.C.

3. The petitioner had earlier applied for anticipatory bail and the same was dismissed by me.

4. The specific stand of the petitioner is that his employee had taken his two wheeler on a false pretext and used the same for the offence in question. The petitioner has renewed his prayer by contending that the investigation appears to be almost over and that his arrest is not really warranted.

5. This case was listed before this Court on 08.07.2021 and adjourned to 16.07.2021 i.e., today. In the meanwhile, the petitioner has surrendered before the Respondent, he was taken to



custody and his confession appears to have been recorded. It is stated that the co-accused had already been released on bail. Further incarceration of the petitioner is not really necessary.

6. In the interest of justice, this petition for anticipatory bail is converted into a bail petition. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

[a] 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 Judicial Magistrate, Tenkasi.

[b] the petitioner shall report before the respondent police as and when required for the interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
16/07/2021

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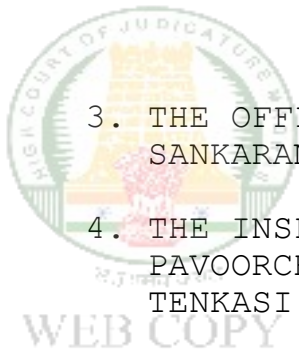
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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, TENKASI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE OFFICER INCHARGE, SUB JAIL,
SANKARANKOVIL.
4. THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8980 of 2021
Date :16/07/2021

VSM
MS/VR/SAR-2/16.07.2021/3P.6C