



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

Monday, the Twelfth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.SELVAM

CRL OP(MD) No.23222 of 2016

DAVID SAMUVEL,

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.

CR.NO.449/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.R.SREENIVASAN Advocate

For Respondent : Mr.P.KANDASAMY, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

This Criminal Original Petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 praying to enlarge the petitioner on bail.

2.It is averred in the petition that the petitioner has been shown as sole accused in Crime No.449 of 2016 on the file of Thiruvattar Police Station, Kanyakumari District. Further it is averred in the petition that the petitioner is an innocent person and he has no connection whatsoever with the alleged offence and he has been arrested on 30.10.2016 and since then he is in duress. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

3.The learned Government Advocate (Criminal side) has contended that the petitioner is the husband of the deceased and since the deceased has not begotten any child, the petitioner has attempted to marry the sister of his wife and under the said circumstances he murdered the deceased.

4.On the basis of the rival contentions putforth on either side and also on the gravity of the offence alleged to have been committed by the petitioner, this Court has perused the entire Case Diary File and found that almost all witnesses have been examined. Further it is seen from the records that the entire occurrence is said to have takenplace inside the house of the petitioner.



5. Since almost all witnesses have been examined and there is no scope for tampering with the witnesses and further from 30.10.2016 the petitioner is in duress, this Court is of the view to grant bail to the petitioner subject to the following conditions.

WEB COPY

6. In fine, this petition is allowed and the petitioner will be released on bail on executing a bond to the tune of Rs.5,000/- (Rupees five thousand only) and two sureties each for the likesum to the satisfaction of the Judicial Magistrate, Padmanabhapuram, Kanyakumari District. Further it is directed that the petitioner should stay at Padmanabhapuram and daily twice i.e., at 10.00 a.m. and 05.00 p.m. report before the Judicial Magistrate, Padmanabhapuram, Kanyakumari District without fail until further orders.

sd/-

12/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE INSPECTOR OF POLICE, THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE OFFICER-IN-CHARGE, DISTRICT JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.80573

ORDER IN

CRL OP(MD) No.23222 of 2016

Date :12/12/2016

PBK/CK/SAR-III 12/12/2016 ::2P-7C: