



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

Tuesday, the Twelfth day of September Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

CRL OP(MD) No.12023 of 2017

KANAGAVALLI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
KALAKADU POLICE STATION, TIRUNELVELI DISTRICT.  
CRIME NO.274 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested on 29.06.2017 for the offences punishable under Sections 342, 302 and 34 of IPC in Crime No.274 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased borrowed a sum of Rs.40,000/- from the petitioner herein. However, he did not pay back the money. Due to the same, the petitioner herein was said to have conspired with A2 & A3 and tied the hands and legs along with his neck of the de facto complainant on the window of a bathroom and the petitioner is said to have administered poison into the mouth of the deceased and caused death.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is roped into this case on the basis of the confession of the VAO and no other materials were recorded against the petitioner herein. He also submitted that co-accused were arrested and released on bail by the concerned Sessions Court and the petitioner was arrested and remanded to custody on 29.06.2017.

4.The learned Additional Public Prosecutor would submit on instructions that FIR was registered against unnamed accused and during investigation, there are 3 persons were arrayed as accused and the petitioner herein is arrayed as A1. He further submitted that earlier bail petition moved on behalf of this petitioner in CrI.OP(MD)Nos.10482 and 11215 of 2017 were dismissed by this Court on 09.08.2017 and 28.08.2017 respectively and A2 & A3 were arrested and released on bail by concerned Sessions Court as per order in

Cr.M.P.Nos.3627 & 3665 of 2017, dated 17.08.2017. He also submitted that investigation is completed and postmortem and visar report are awaited in this case.

5.Considering the facts and circumstances of the case and considering the fact that investigation is completed and postmortem and visar reports are awaited in this case and the period of incarceration of petitioner in prison from 29.06.2017, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(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, Naguneri, Tirunelveli District.

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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/-

12/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
NAGUNERI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
- 3 OFFICER IN CHARGE,  
SPECIAL PRISON FOR WOMEN, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,  
KALAKADU POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ANAND Advocate SR.No.30484

ORDER

IN

CRL OP(MD) No.12023 of 2017

Date :12/09/2017