



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

Wednesday, the Fourteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3977 of 2018

VATRIVEL

... Petitioner/Accused No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.510 OF 2017.

... Respondent/Complainant

For Petitioner : M/S.S.T.SASIDHARAN TAMILKANI, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

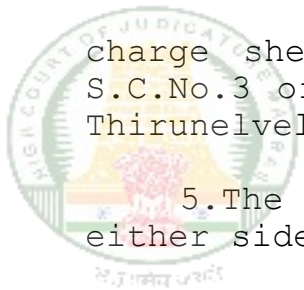
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, was arrested and remanded to judicial custody on 17.08.2017 for the offences punishable under Sections 341, 294(b), 302 and 506(ii) of IPC in Crime No. 510 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused are said have assaulted the deceased by using Aruvals in his vital parts and committed the offence of murder. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 17.08.2017. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that after completing the investigation



charge sheet has been filed and the same was taken on file in S.C.No.3 of 2018, on the file of the IV Additional Sessions Judge, Thirunelveli.

5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, prior to the occurrence, the petitioner and other accused are having illegal intimacy with the wife of the deceased, due to which, the petitioner assaulted the deceased by using Aruval and committed the offence of murder. As of now, after completing the investigation, charge sheet has been filed and the same was pending before the learned IV Additional Sessions Judge, Thirunelveli in S.C.No. 3 of 2018. Further, the petitioner is in judicial custody from 17.08.2017 and he is a first offender. Since the charge sheet has already been filed, this Court came to the conclusion that the question of custodial interrogation does not arise. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thirunelveli;

(ii) the petitioner shall appear before the learned IV Additional Sessions Judge, Thirunelveli daily at 10.00 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/-
14/03/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE No.1,
TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE SUPERINTENDENT,
CENTRAL JAIL,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

6. THE IV ADDITIONAL SESSIONS JUDGE, THIRUNELVELI.

+1. CC to M/S.S.T.SASIDHARAN TAMILKANI, Advocate SR.No.4094.

ORDER

IN

CRL OP (MD) No.3977 of 2018

Date :14/03/2018

SDS/MM-PN/SAR.2/14.03.2018/3P/8C