



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6905 of 2019

1.MUNIYANDI

2 SHENBAGAVALLI

... PETITIONERS / ACCUSED NOS.1 & 4

Vs

STATE,
THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.107/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : MR.K.K.RAMAKRISHNAN,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

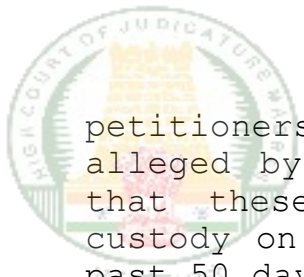
The petitioners/Accused No.1 & 4 who were arrested and remanded to judicial custody on 26.03.2019 for the offences punishable under Sections 294(b), 323, 324, 302 & 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.107 of 2019 on the file of the respondent police, seek bail.

2.Heard Mr.C.K.M.Appaji, learned Counsel for the petitioners and Mr.K.K.Ramakrishnan, Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that when one Sitha and Murugeswari were discussing with each other, the first petitioner/Muniyandi abused them, for which the *de facto* complainant's mother retaliated back and there was a wordy quarrel between the two families, wherein the deceased has interfered to console them. At that time, the petitioners/accused have pushed the deceased down, who is an aged person, as a result of which he died. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the petitioners submitted that the



petitioners are innocent and have not committed any offence as alleged by the prosecution. The learned counsel further submitted that these petitioners were arrested and remanded to judicial custody on 26.03.2019 and they are languishing in the jail for the past 50 days.

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5. The learned Additional Public Prosecutor would submit that there is no bad antecedent against the petitioners and also the substantial portion of the investigation has been completed.

6. Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioners have already suffered incarceration for more than 50 days and the occurrence was taken place without any premeditation, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioners shall report before the respondent police daily twice at 10:30 a.m. and 05:30 p.m., until further orders;

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

16/05/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TIRUNELVELI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1 CC to MR.C.K.M.APPAJI, Advocate (SR-8465[I] dated 16/05/2019)

ORDER

IN

CRL OP (MD) No.6905 of 2019

Date :16/05/2019

AE/VR/SAR-II (17.05.2019) 3P 7C