



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1844 of 2019

V.SUBIN

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE OF TAMIL NADU,
REP.BY THE SUB INSPECTOR OF POLICE
PALUGAL POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT
Crime No.119/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.K.M.APPAJI Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who was arrested on 22.12.2018 for the offence under Sections 294(b), 324, 506(i) and 307 I.P.C. Subsequently altered into 294(b), 324, 506(i) and 302 IPC in Cr.No.119 of 2018 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner/accused and the deceased, who is the father of the defacto complainant, are the neighbouring land owners. Initially, the deceased person cut down the standing trees belonging to the accused and the same was questioned by the petitioner/accused. Therefore there was a quarrel arose between them and the petitioner assaulted the deceased. Due to the same the deceased sustained injuries and admitted in the hospital and later on he died. Hence, the defacto complainant gave a complaint before the respondent police against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submits that the petitioner was arrested on 22.12.2018 and he is the single accused. Initially, the case was registered under Section 307 IPC and after the deceased, the case was altered into Section 302 IPC. He also submitted that the investigation is almost completed.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Kuzhithurai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d) the petitioner shall not abscond 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
KUZHITHURAI.

<https://hcservices.mca.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE SUB INSPECTOR OF POLICE,
PALUGAL POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT .

4. THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.

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

+1. CC to Mr.C.K.M.APPAJI Advocate SR.No.2364

ORDER

IN

CRL OP (MD) No.1844 of 2019

Date : 05/02/2019

TK/PN/SAR-2/05.02.2019/3P/7C