



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3452 of 2019

SELVI

... PETITIONER / ACCUSED NO.8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATIN,
TIRUNELVELI DISTRICT.
CRIME NO.19/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SATHYA CHIDAMBARAM, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

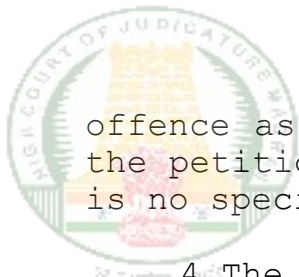
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 25.01.2019 for the offence punishable under Sections 147,148,294(b),307,506(ii) of IPC @ 147,148,120(b),302,506(ii) r/w.Section 34 of IPC in Cr.No.19 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is wife of deceased Vellasamy. The deceased Vellasamy and one Chellakutti are close friends. There was a previous enmity between the Chellakutti and the petitioner and the petitioner is none other than the wife of Chellakutti and there was previous enmity between the deceased persons and them and they used to consume alcohol. While consuming alcohol the deceased person tortured the petitioner, in which the petitioner had lodged a complaint against the deceased person and they both were arrested and remanded to judicial custody. After release on bail, the deceased person abused the petitioner family thereby the wife of the deceased Chellakutti and his relatives joined together and attacked the deceased with deadly weapons, thereby both sustained fatal injuries and lost their lives. Hence, this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any



offence as alleged by the prosecution. He would further submit that the petitioner is not available in the scene of occurrence and there is no specific overt act against her and hence he prayed for bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is not present in the scene of occurrence and there is no specific overt act against the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that there is no specific overt act against 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.V, Tirunelveli 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 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/-

06/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.V,
TIRUENLVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENLVELI DISTRICT.
3. THE OFFICER INCHARGE, WOMEN SUB JAIL,
KOKKIRAKULAM, TIRUENLVELI.
4. THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATIN,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.SATHYA CHIDAMBARAM Advocate SR.No.4365

ORDER

IN

CRL OP(MD) No.3452 of 2019

Date :06/03/2019

MS/JC/SAR-1/06.03.2019/3P.7C