



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4122 of 2019

KOKILA VALLI,

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.37 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. B.CHARMURUGAN Advocate

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

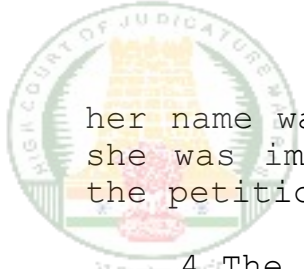
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested on 06.02.2019 for the offences under Sections 147, 148, 120 (b), 452, 307, 302, 506 (ii) IPC, in Cr.No.37 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that there was property dispute between the defacto complainant's mother and the defacto complainant's parental uncle/A1, for which, A1 was agreed to give an amount in favour of the defacto complainant's mother. However, the said amount was not paid as agreed by him and the present petitioner is having illegal relationship with A1, after deserting his earlier husband and they were joint together and engaged the hooligan in order to murder the defacto complainant's father and mother. On the date of occurrence, the main accused persons entered into the defacto complainant's house and brutally attacked her father and mother. Thereby, they lost their life. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that



her name was not mention in the FIR. Only based on the confession, she was implicated in this case. Hence, he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that the petitioner have illegal intimacy with A1. They have jointly conspired and committed the offence, murder of the defacto complainant's father and mother.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that the petitioner name was not found in the FIR, based on the confession of A1, she was implicated in the said offence, I am inclined to grant bail to the petitioner. 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 Court, Boothapandy, Kanyakumari District, and on further condition that:

(a)the sureties shall affix her photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure her 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/-
08/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
BOOTHAPANDY, KANYAKUMARI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

4. THE OFFICER INCHARGE,
SUB-JAIL, THAKKALAY.

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

+1. CC to MR. B.CHARMURUGAN Advocate SR.No.6319

ORDER

IN

CRL OP(MD) No.4122 of 2019

Date :08/04/2019

AE/PN/SAR-I/08.04.2019/3P/7C