



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.5308 of 2019

1 KAMALAKANNAN
2 KARTHICK

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.
Crime No.82 of 2019

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.S.KRISHNAN 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 petitioners who were arrested on 20.01.2019 for the offences under Section 302 of IPC, in Cr.No.82 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the first petitioner is the son of deceased Eswaran and the second petitioner is the brother's son of deceased Eswaran. Another deceased, Pandi is the parental aunt's son of first & second petitioner. There was a civil dispute between the petitioners and the deceased Eswaran. The deceased Eswaran have a common property and he wanted to give that entire property to the another deceased person Pandi, by way of his daughter's marriage with deceased Pandi. Due to this reason, there was a wordy quarrel between the petitioners and the deceased persons, in which the petitioners brutally attacked the deceased father and the deceased brother-in-law with knife. Thereby, they lost their life. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution. He would further submit that an earlier occasion, the petitioner's bail



application was withdrew. Hence, he would pray for bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and viscera report has not yet been come.

5. Considering the nature of the case and considering the period of incarceration, I am inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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, Bodinayakanur, Theni District and on further condition that:

(a) the sureties shall affix their 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 their identity;

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

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

(d) the petitioners 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-IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKANUR, THENI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.S.KRISHNAN Advocate SR.No.6413

ORDER

IN

CRL OP (MD) No.5308 of 2019

Date :08/04/2019

TK/MMS/SAR-4/09.04.2019/3P/7C