



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6711 of 2019

SUDALAIYANDI

... PETITIONER/ACCUSED 1

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.PAVITHRA, 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 petitioner, who was arrested and remanded to judicial custody on 07.02.2019, for the offences punishable under Sections 452, 307, 302 & 506(ii) @ 147, 148, 120(B), 452, 307, 302 & 506(ii) I.P.C., in Crime No.37 of 2019, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to property dispute, on the instigation of the petitioner, on 31.01.2019, at about 10.00 p.m., nearly four unknown persons came with weapons and attacked the father and mother of the *de facto* complainant, namely, Muthu @ Manikandan and Kalyani, due to which, Kalyani died on the spot and Muthu @ Manikandan died in the hospital.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. Further, the learned counsel submitted that the petitioner is in incarceration for more than 90 days i.e. from 07.02.2019 till date.



4. The learned Government Advocate (Criminal Side) has strongly objected to grant bail to the petitioner. He would submit that the petitioner has arranged hirelings and through the hirelings, the *de facto* complainant's parents were done to death. However, he would submit that final report is yet to be filed.

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5. It is seen that the petitioner is in incarceration for more than 90 days i.e. from 07.02.2019 and final report has not yet been filed. Therefore, the petitioner is entitled to the benefit of statutory bail under Section 167(2) Cr.P.C. Accordingly, this Court is of the view that this is a fit case to grant bail to the petitioner and he is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute 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 Sessions Judge, Principal Sessions Court, Nagercoil.
- (ii) 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.
- (iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- (iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioner shall not abscond either during investigation or trial.
- (vi) 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]**.
- (vii) If the petitioner thereafter absconds, a fresh F.I.R., can be registered under Section 229-A I.P.C.

sd/-
15/05/2019

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TO

1. THE SESSIONS JUDGE,
PRINCIPAL SESSIONS COURT, NAGERCOIL

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

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI

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

+1. CC to M/S.P.SUBRAMONIAN Advocate SR.No.8418

ORDER

IN

CRL OP(MD) No.6711 of 2019

Date :15/05/2019

KRK

PK/VR/SAR-2/17.05.2019 : 3P/6C