

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7141 of 2019

1 RAJ @ ANTHONYRAJ

2 VELMURUGAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 92 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K. VEILMUTHU Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused No.1 & 2, who were arrested and remanded to judicial custody on 05.04.2019 for the offences punishable under Sections 341, 506(i) and 307 I.P.C. in Crime No.92 of 2019 on the file of the respondent police, seek bail.

2.Heard Mr.K.Veilmuthu, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate(Crl.Side) appearing for the State.

3.The case of the prosecution is that the first petitioner is having illicit relationship with the wife of the defacto complainant. Due to this motive, on 04.04.2019, when the defacto complainant came in a motorcycle, the petitioners herein waylaid him, quarrelled with and also forcibly poured poison in the mouth, thereby attempted to kill him and also threatened him with dire consequences. Hence, the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocent and have not committed any offences as alleged by the prosecution. The learned counsel further submitted that these petitioners were arrested and remanded to judicial

custody on 05.04.2019 and they are languishing in the jail for the past 40 days.

5.The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital.

6.Taking into consideration of the fact that the injured has already been discharged from the hospital and also the fact that the petitioners have already suffered incarceration for more than 40 days, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioners shall report before the respondent police daily at 10:30 a.m., until further orders;

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

16/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI.

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

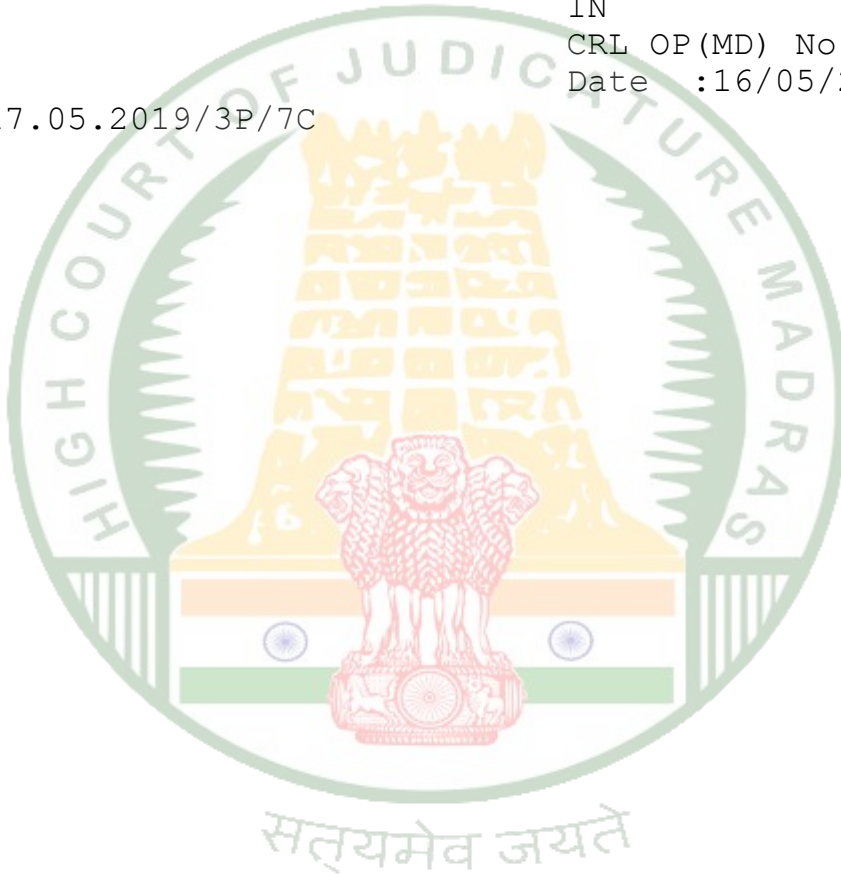
+1. CC to M/S.K. VEILMUTHU Advocate SR.No. 8594

ORDER
IN

CRL OP(MD) No.7141 of 2019

Date :16/05/2019

JM/JC/SAR 2/17.05.2019/3P/7C



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