



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7529 of 2019

CHELLAKUNJU @ CHINNAKUNJU

...PETITIONER / ACCUSED No.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT
Crime No.17/2019

...RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SARAVAGAN PRABHU Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as 4th accused, was arrested and remanded to judicial custody on 24.04.2019 for the offences punishable under Sections 302, 147, 342 and 148 IPC in Crime No.17 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that during altercation over the removal of stone by the deceased from the A1's agriculture field, the petitioner along with other accused stabbed the deceased with knife.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. The learned counsel further submitted that the main accused in this case were arrested and remanded to judicial custody and also released on bail by this Court. Hence, the learned counsel for the petitioner prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that a substantial portion of the investigation is completed and the viscera report is yet to be received.



5. The submissions made by the learned counsel appearing on either side are considered.

6. Considering the fact that a substantial portion of the investigation is completed, further custody of the petitioner is not necessary for the prosecution to complete the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vedaesandur, Dindigul District.

[ii] 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;

(iii) the petitioner shall stay at Thirunelveli and report before the Inspector of Police, Town Police Station, Thirunelveli, daily at 10.00 a.m. until further orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
30/05/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
VEDASENDUR, DINDIGUL DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT .

4. THE INSEPCTOR OF POLICE
TOWN POLICE STATION, THIRUNELVELI.

5. THE OFFICER INCHARGE,
DINDIGUL DISTRICT PRISON.

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

+1. CC to Mr.S.SARAVAGAN PRABHU Advocate SR.No.8886

ORDER

IN

CRL OP (MD) No.7529 of 2019

Date :30/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C