



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.761 of 2019

SAMUTHIRAPANDI

... PETITIONER / ACCUSED  
RANK NOT KNOWN

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
SERNTAMARAM POLICE STATION,  
TIRUNELVELI DISTRICT.  
Crime No.118/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.PALANI VELAYUTHAM Advocate

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

For Intervener :Mr.J.C.RATHNAVEL PANDIAN

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

**ORDER :** The Court Made the following order :-

The petitioner is in judicial custody since 15.12.2018 for the offences punishable under Sections 294(b), 120(b), 302 and 201 of IPC in Crime No.118 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that one Neethirajan who is an eye witness to the earlier murder which had taken place on 30.06.2010 by the petitioner and three others was constantly making demand for money and extracted money from the petitioner and other for not disclosing the complicity of the identity of the accused in that case and from 2016-2018, he had been extracting money on various dates and on one such day when his demand was unreasonable the petitioner and two others while consuming liquor joined together assaulted the deceased and pushed him into the well. The very day the body of the deceased was found and initially a case was registered under Section 174 Cr.P.C. Thereafter A2 and A3 are arrested and on the confession of this accused the complicity of the other accused came to light.



3. The learned counsel for the petitioner would submit that the incident is said to have happened with regard to the love affair of the petitioner's uncle daughter which was not to the liking to the petitioner since the petitioner had earlier warned the said Ramesh to desist from her. He would also submit that the petitioner has been falsely implicated in this case. He would also submit that the deceased in this case has not spoken anything about the earlier occurrence for nearly 1<sup>1/2</sup> years and he has been implicated only based on the confession given by the co-accused.

4. The learned counsel for the intervenor would submit that the petitioner's modus operandi in both the cases are similar. He has filed a petition under Section 482 of Cr.P.C before this Court seeking for change of investigation in this case, since proper investigation is not carried out, since the petitioners are influential persons and were flaunting with the investigation, hence he opposed grant of bail to the petitioner.

5. The learned Government Advocate(Crl.Side) would submit that the deceased Neethiraja in this case is said to have consumed alcohol along with the petitioner before the occurrence and he has spoken about the earlier occurrence till the deceased wife had made a complaint. He would also submit that investigation in this case is over and charge sheet has been filed before the concerned court.

6. Considering the above facts and circumstances and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. 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, each for a like sum to the satisfaction of the Judicial Magistrate, Tenkasi, Tirunelveli District and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders except the date on trial before the trial court until the case is committed to the Court of sessions.

[b] the petitioner shall not tamper with evidence or witness either during trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

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sd/-  
24/01/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,  
TENKASI, TIRUNELVELI DISTRICT.
  - 2.THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
  - 3.THE INSPECTOR OF POLICE,  
SERNTAMARAM POLICE STATION,  
TIRUNELVELI DISTRICT.
  - 4.THE SUPERINTENDENT  
CENTRAL PRISON, PALAYAMKOTTAI.
  - 5.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.PALANI VELAYUTHAM Advocate SR.No.1302

ORDER  
IN  
CRL OP(MD) No.761 of 2019  
Date :24/01/2019

TK/VR/SAR-2/24.01.2019/3P/7C