



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.768 of 2019

SAMUTHIRAPANDI

... PETITIONER / ACCUSED  
RANK NOT KNOWN

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
SERNTAMARAM POLICE STATION,  
TIRUNELVELI DISTRICT.  
CR.NO.231/2016

... 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

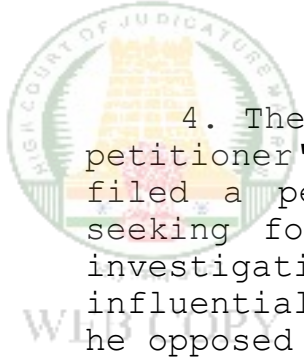
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

**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), 302r/w.120(b) and 201 of IPC Crime No.231 of 2016 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the petitioner along with three other persons while consuming liquor, the deceased Ramesh picked up quarrel with another person by name Kodeeswaran with regard to love affair with cousin of the petitioner, due to which a wordy quarrel arose between them, in which the deceased Ramesh was assaulted and thrown in a nearby well.

3.The learned counsel for the petitioner would submit that after five days the dead body of the deceased Ramesh was found in the well by the owner of the said land. Based on the confession of the deceased Ramesh by co-accused in another case, this petitioner has been implicated.



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 petitioner is an influential person and were flouting with the investigation, hence he opposed grant of bail to the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that the deceased in this case is said to have consumed alcohol along with other petitioners before the occurrence and he has spoken about the earlier occurrence. 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.

sd/-  
24/01/2019

/ TRUE COPY /



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., TIRUNELVELI DISTRICT.

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

+1. CC to Mr.S.PALANI VELAYUTHAM Advocate SR.No.1303

ORDER

IN

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Date :24/01/2019

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