



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE M.NIRMAL KUMAR

CRL OP (MD) No.23025 of 2018

SAM SUNDARSAN VINO

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
SATHANKULAM POLICE STATION, SATHANKULAM,  
THOOTHUKUDI DISTRICT  
(CRIME NO.214/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.VADIVELAN Advocate

For Respondent : M/S.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 is in judicial custody since 18.11.2018 for the offences punishable under Sections 147,148,120(b), 114,109 and 302 of IPC in Crime No.214 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the defacto complainant who is the father of the deceased had lodged a complaint stating that the first accused in this case along with two identified unknown persons attacked his son with aruval and knife and caused death, due to motive with A1 regarding collection and supply of costume to Dhasara festival. The further case of the prosecution is that based on the confession given by the third accused, this petitioner has been implicated, as if the petitioner helped to other accused to reach the occurrence place in his two wheeler.

3.The learned counsel for the petitioner would submit that the petitioner's name does not find place in the First Information Report and he has been falsely implicated in this case. He would also submit that except being the friend of A1, he had nothing to do with the alleged offence.



4. The learned Government Advocate(Crl.Side) would submit that the except the fact that the petitioner helped the other accused to reach the occurrence place in his two wheeler, there is no specific overt act against him with regard to the assault on the deceased.

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

6. 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, Sathankulam and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[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 /

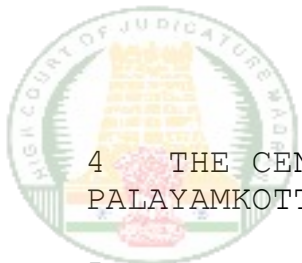
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,  
SATHANKULAM.

2 THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE  
SATHANKULAM POLICE STATION, SATHANKULAM,  
THOOTHUKUDI DISTRICT



4 THE CENTRAL PRISON,  
PALAYAMKOTTAI.

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

+1. CC to M/S.T.VADIVELAN Advocate SR.No.1322

ORDER  
IN  
CRL OP (MD) No.23025 of 2018  
Date :24/01/2019

TR/VR/SAR-II (24.01.2019) 7C 3P