



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

Wednesday, the First day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11556 of 2015

NARASIMMAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION, VIRUDHUAGAR
DISTRICT, (CRIME NO.62 OF 2015).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. K. GOVI GANESAN Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

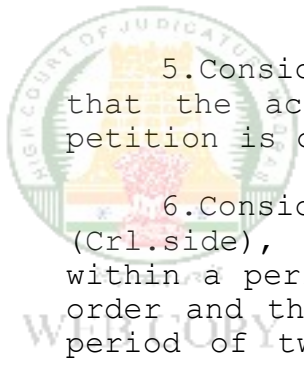
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A3 in Crime No.62 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 21.04.2015 for the alleged offences punishable under Sections 147, 148, 364, 506(ii) and 302 of I.P.C., and hence, seeks bail.

2.According to the de-facto complainant, on 12.04.2015 when the de-facto complainant along with her family members went to a falls for taking bath, at 10.00 a.m., the accused quarrelled with the de-facto complainant and his family members and they left the place declaring that they will vengeance to death and thereafter, at 01.30 p.m., when they returning to their native place, the accused attacked the deceased with knife, aruval and beer bottle and caused death of her husband and also injured one Tharmadurai.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the occurrence had taken place in a sudden provocation and there is no Mens rea for commission of the offence. He further submitted that major part of the investigation is over. He further submitted that the petitioner was implicated on the basis of the confession given by the co-accused and his vehicle was used at the time of occurrence and he was not at all present in the scene of occurrence.

4.Per contra, the learned Government Advocate (Crl.side) would submit that the age of the de-facto complainant is 23 years and she is having two children aged about 4 years and 10 months respectively and they came from Chennai for participating a temple festival and also went to falls at that time, the accused attacked the deceased with lethal weapons and caused his death. He further submitted that all the accused has been secured and major part of the investigation is over.



5.Considering the gravity of the offence, this Court is of the view that the accused in this case is not entitled for bail. Hence, this petition is dismissed.

6.Considering the submission of the learned Government Advocate (Crl.side), the respondent police is directed to file a charge sheet within a period of three weeks from the date of receipt of a copy of this order and the committal Court is directed to commit to the case within a period of two weeks there from and the trial Court shall complete the trial within a period of two months there from subject to the condition of cooperation by the accused.

sd/-
01/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 3 THE SUB-INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION, VIRUDHUAGAR DISTRICT.
- +1. CC to M/S. K.RAJESHWARAN, Advocate SR.No. 34971.

TS/02.07.2015/2P -5C

ORDER
IN
CRL OP(MD) No.11556 of 2015
Date :01/07/2015