



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

Wednesday, the Twenty Eighth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20596 of 2015

MUTHURAJ @ RAJ

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
ACHANPUDUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 222/2015)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.PORKODI KARNAN for
M/S POLAX LEGAL SOLUTIONS

For Respondent : MRS.S.PRABHA,
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 accused No.2 in Crime No.222 of 2015 on the file of the respondent police, was arrested on 18.08.2015 for the alleged offences originally registered under Sections 147, 323 and 365 of I.P.C., and subsequently altered to 147, 148, 364, 302 and 201 of I.P.C., and hence, seeks bail.

2. The case of the prosecution is that the first accused had purchased a vehicle availing loan and due to non-payment, the vehicle was seized by the financier and the deceased has identified the vehicle and due to the enmity, on 12.08.2015, the accused kidnapped the deceased in a car and later, the accused 1 and 4 attacked the deceased with aruval, while the accused 3 and 5 have tied the hands of the deceased with a dhoti.

3. The learned counsel for the petitioner submitted that the petitioner is not mentioned in the F.I.R. and as per the confession of the co-accused, he has been falsely implicated in this case and even as per the confession, the petitioner/A2 drove the vehicle, while the other accused kidnapped the deceased and attacked him. The learned counsel for the petitioner further submitted that the petitioner has been incarceration for more than 60 days.

<https://hcservices.ecourts.gov.in/hcservices/>
The learned Government Advocate (Crl.side) opposed the bail petition stating that the petitioner was aware of the fact that the accused have kidnapped the deceased for committing murder and even



after murder, the petitioner has not informed the same to the respondent police. It is further submitted that all the accused have been secured and remanded to judicial custody.

5. Considering the facts, this Court is inclined to grant bail to the petitioner with certain conditions. 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 learned Judicial Magistrate, Senkottai and on further condition that the petitioner shall appear before the respondent police twice a day at 10.00 a.m. and 5.00 p.m. until further orders.

sd/-
28/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE,
SENKOTTAI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE SUB INSPECTOR OF POLICE
ACHANPUDUR POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S POLAX LEGAL SOLUTIONS SR.No.62786

akm/28.10.2015 /2p-7c/

ORDER
IN
CRL OP(MD) No.20596 of 2015
Date :28/10/2015