



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

Tuesday, the Eighth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15697 of 2015

S.KARTHIKEYAN,

... PETITIONER/ACCUSED NO.1

Vs

STATE THROUGH

THE INSPECTOR OF POLICE, C.B.C.I.D.

VIRUDHUNAGAR DISTRICT

(IN CRIEM NO.168 OF 2005)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.WILLIAM CHRISTOPHER Advocate

For Respondent : M/S.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 A1 and he was arrested and remanded to judicial custody on 14.07.2015 for the alleged offences punishable under sections 302, 397, 404 and 380 of IPC, in Crime No.168 of 2005 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that one of the deceased by name Ebenezer Paul has employed the accused to assist him in construction of his house and later, he developed illicit intimacy with his wife Sheela and on 06.04.2005, the petitioner/A1 went to the house of the deceased on invitation by the said Sheela and when her husband entered into the house, there was a quarrel and later, he killed both of them and escaped from the scene of occurrence with two chains and two rings from the body of deceased Sheela.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the occurrence had taken place in the year 2005 and after 10 years, the petitioner was arrested on 14.07.2015 and the case was transferred to the respondent police as per the direction of this court made in Crl.O.P(MD)No.995 of 2014. It is further submitted that there is no eye witness to the occurrence and the alleged confession and the recovery are totally false.



4.Per contra, the learned Government Advocate (Criminal side) appearing the respondent filed a counter affidavit contending that the petitioner has done to death his own employer and his wife for lust and also committed robbery of their jewels. It is further submitted that on the basis of the confession of the petitioner 24 grams of gold ingot was recovered in the presence of eye witness and a gold ring belongs to the deceased Sheela was also recovered from the bag in his room at Melmaruvathur. It is further submitted that the respondent police have also taken the accused to Sankaran kovil to identify the jewels dropped by the accused in the hundial of the temple and the sealed bag contains gold jewel of a ring fixed with green stones belongs to the deceased marked as Baskar Jewellers, Virudhunagar (BJ), which was also identified. It is further submitted that the investigation is at the crucial stage and therefore, release of the accused would hamper the investigation.

5.Considering the gravity of the offence, this court is not inclined to enlarge the petitioner on bail. Hence, this petition is dismissed.

sd/-
08/09/2015

/ TRUE COPY /

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

TO

- 1.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 2.THE INSPECTOR OF POLICE, C.B.C.I.D.
VIRUDHUNAGAR DISTRICT
- 3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

RL/4 C- 14/9/2015

ORDER
IN
CRL OP(MD) No.15697 of 2015
Date :08/09/2015