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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Third day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16578 of 2015

SATHEESH ..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
CUMBUM, THENI DISTRICT.
IN CRIME NO. 123 OF 2013 ..RESPONDENT/COMPLAINANT

For Petitioner : M/S V.VIJAYASETHUPATHY Advocate

For Respondent : M/s.S.PRABHA, Government 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.1 in Crime No.123 of 2013 on the file of the respondent police, was arrested on 19.06.2015 for the alleged offences punishable under Section 302 I.P.C., and hence, seeks bail.

2. According to the de-facto complainant, her husband Muthu was working as an auto driver and he was helping the accused in hawala transaction, due to the dispute, he was killed by the accused on 19.03.2013.

3. The learned counsel for the petitioner submitted that the occurrence is said to have taken place on 19.03.2013, the complaint was lodged after a month i.e., on 19.04.2013 and the further case of the prosecution is that the petitioner voluntarily surrendered before the Village Administrative Officer and gave a confession on 19.06.2015 and based on the confession, the case was altered to 302 I.P.C. and originally the case was registered for man-missing and remanded to judicial custody.

4. The learned counsel for the petitioner further submitted that the de-facto complainant is not an eye-witness to the occurrence and the extra judicial confession is weak piece of evidence, that cannot be put against the petitioner at this stage. It is further submitted that the petitioner has been incarceration for more than 75 days and the respondent has almost completed the investigation and his application can be considered.

5. Per contra, the learned Government Advocate (Crl.side) opposed granting of bail to the petitioner stating that the charge was altered only on 19.06.2015 and the other 4 accused are still at large and it is further contended that as per the overt act, he actually participated in the commission of offence.

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6. Considering the facts and circumstances of the case, 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, Uthamapalayam, Theni District and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

sd/-
03/09/2015

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Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, UTHAMPALAYAM, THENI DISTRICT.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, THENI.

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

4 THE INSPECTOR OF POLICE, CUMBUM NORTH POLICE STATION, CUMBUM, THENI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S V.VIJAYASETHUPATHY Advocate SR.No.51513

ORDER IN
CRL OP(MD) No.16578 of 2015
Date :03/09/2015

PBK/GSV-PM/SAR-I 03/09/2015 ::2P-7C::

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