



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

Wednesday, the Fourteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18358 of 2015

RAMALINGAM

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSEPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO.133/2015) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.MARIAPPAN 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 the sole accused, in Crime No.133 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 27.07.2015, for the alleged offences punishable under Sections 302, 379 and 376 of I.P.C., and hence, seeks bail.

2.The case of the prosecution is that on 03.06.2015 the deceased went to C.K.Mangalam in the short cut way, but not returned to home, and on 04.06.2015 the deceased was floating in a Kanmoi water and the case was altered on 04.06.2015 alleging that the accused while murdering the deceased also committed stolen away 1 sovereign of gold jewel and thereafter, on 20.04.2015, the accused have appeared before the Village Administrative Officer stating that after committing rape, he murdered the victim.

3.The learned counsel for the petitioner submitted that the petitioner is having family consisting of his wife and two children and he was working under contractor for road work and he was arrested only on suspicion.

4.The learned counsel further submitted that the de-facto complainant was giving inconsistent statement before the respondent police stating that the deceased was wearing one sovereign of gold jewel and that was taken away by the accused, subsequently the respondent police could not recovered the jewel. Therefore, the section altered into Section 302 and 376 of I.P.C.



5.The learned counsel further submitted that the petitioner is an innocent and he has not committed any offence as alleged by the respondent police.

6.The learned Government Advocate (Crl.side) submitted that the accused was under the influence of alcohol at the time of committing the offence and the statement of the de-facto complainant would reveal that the deceased was having external injuries, which would probablise the prosecution that the accused committed rape and murdered her. It is further contended that the simcard of the accused was recovered near the scene of occurrence. The Learned Government Advocate (Crl.Side) further submitted that the petitioner has no bad antecedent and major part of the investigation is over.

7.Considering the facts and circumstances of the case and also considering the period of incarceration and the major part of the investigation is over, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on his 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, Thiruvadanai and on further condition that the petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders.

sd/-
14/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSEPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE OFFICER INCHARGE
SUB JAIL, RAMANATHAPURAM.

+1. CC to M/S G.MARIAPPAN Advocate SR.No.60821

ORDER
IN
CRL OP(MD) No.18358 of 2015
Date :14/10/2015