



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

Monday, the Ninth day of February Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2157 of 2015

RAVIKUMAR

... PETITIONER/ACCUSED

Vs

STATE REP BY THE SUB INSPECTOR OF POLICE  
UTHAMAPALAYAM POLICE STATION,  
CRIME NO.133/2013

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.G.R.Swaminathan Senior Counsel for  
M/S.T.ANTONY ARUL RAJ Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate ( Crl. Side)

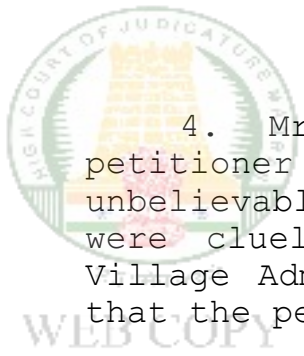
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 23.12.2014 for the offence punishable under Section 174 of the Code of Criminal Procedure @ 302 of Indian Penal Code, in Crime No.133 of 2013 on the file of the respondent police, seeks bail.

2. It is seen that this is the second bail application and the first bail application was dismissed as withdrawn, by this Court, by order dated 20.01.2015.

3. It is the case of the prosecution that on 03.05.2013, an unidentified body was found under the bridge. Initially, a case under Section 174 of the Code of Criminal Procedure was registered and the body was sent for post-mortem. After receiving the post-mortem report, the case was altered into one under Section 302 of Indian Penal Code on 08.05.2013 based on the injuries found thereon. Thereafter, the police were clueless, until the petitioner surrendered before the Village Administrative Officer on 23.12.2014 and gave an extra-judicial confession, wherein he has stated that he was having an unnatural affair with the victim and that he had called the victim for his activity. The victim was demanding money. It is stated that the petitioner would always have a rod with him for his self-protection and that since the victim did not concede to his demand, he has assaulted him and committed the murder of the deceased.



4. Mr.G.R.Swaminathan, learned counsel appearing for the petitioner would submit that this prosecution itself is unbelievable, inasmuch as the fact that from 03.05.2013, the police were clueless until the petitioner is surrendered before the Village Administrative Officer on 23.12.2014. He would also submit that the petitioner has been in incarceration for over 50 days.

5. On a conspectus of the facts obtaining in this case, an investigation of a case of this nature will only take such time, especially, in the light of the fact that an unidentified body was initially found. Since the investigation is only at a very preliminary stage, I am not inclined to grant bail to the petitioner. Hence, the petition seeking bail stands dismissed.

sd/-

09/02/2015

/ TRUE COPY /

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

TO

- 1 THE SUB INSPECTOR OF POLICE,UTHAMAPALAYAM POLICE STATION
- 2 THE SUPERINTENDENT,CENTRAL PRISON, MADURAI
- 3 THE ADDL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2157 of 2015

Date :09/02/2015

AA/12.02.2015/2p- 4c/