



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

Thursday, the Twenty Sixth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22298 of 2015

S. KARTHIKEYAN

... PETITIONER/ACCUSED NO.1

Vs.

STATE THROUGH
THE INSPECTOR OF POLICE
C.B.C.I.D IN VIRUDHUNAGAR,
EAST POLICE STATION,
CR NO.168/2005.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.THANGAIAH Advocate
For Respondent : MR.K.ANBARASAN,
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. 1, in Crime No.168 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 14.07.2015 for the alleged offences punishable under Sections 302,397 of IPC @ 302,397,404 and 380 of IPC and hence, seeks bail. This is the third bail petition.

2. The case of the prosecution is that the petitioner murdered his employer and his wife on 06.04.2015. After investigation by CBCID, one Balamurugan was arrested and the petitioner was surrendered before Village Administrative officer on 14.07.2015 and confessed that he only murdered the deceased and committed theft of jewellery and cash and some of the jewels were recovered and some of the jewels has to be recovered.

3. The learned counsel for the petitioner submitted that the incident took place on 06.04.2005 and after 10 years, the petitioner was arrested and he is in judicial custody from 14.07.2015. He further submitted that the respondent Police has completed the investigation and filed a final report on 10.10.2015, before the



learned Judicial Magistrate -II, Virudhunagar and the case is posted for further proceedings.

4. The learned Government Advocate (Crl. Side) would submit that the charge sheet has already been filed against the petitioner and Balamurugan and it was taken on file in PRC.No.30 of 2015, on the file of the learned Judicial Magistrate-II, Virudhunagar and the same stands posted to 03.12.2015 for committal proceedings. He further submitted that, the petitioner has been surrendered before the Village Administrative Officer and he confessed his involvement in committing the offence. Therefore, he was arrested after 10 years of the occurrence and that if the petitioner is enlarged on bail, he will abscond and will tamper the evidence and hamper the investigation and hence, he strongly objected to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that this is the third bail petition and that the case has been transferred to CBCID and that the petitioner was arrested after 10 years of occurrence and also considering the submission of the learned Government Advocate (Crl. Side) that if the petitioner is enlarged on bail he will tamper the witnesses, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
26/11/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

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

+1. CC to M/S P.THANGAIAH Advocate SR.No.67859

akm/27.11.2015 /2p-5c/

ORDER
IN
CRL OP (MD) No.22298 of 2015
Date :26/11/2015