



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.22413 of 2015

VIJAYARAGHAVAN @ PRABU

... PETITIONER/ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
C.B.CID, RAMANATHAPURAM,
CRIME NO.1 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.SENTHIL Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

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

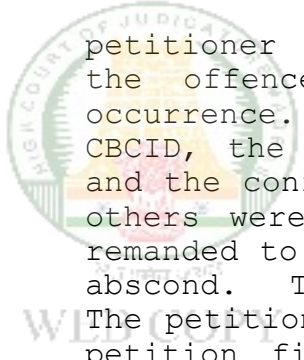
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No. 1, in Crime No.1 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 03.09.2013 for the alleged offences punishable under Sections 294(b), 323,397 and 364 of IPC, subsequently, altered into Sections 302 and 392 of IPC and hence, seeks bail.

2. The case of the prosecution is that the de facto complainant's one of the brother's wife was found dead in suspicious circumstances in her house on 03.09.2013. Originally, a case was registered under Sections 294 (b),323,397 and 364 of IPC on the file of the respondent police and thereafter, it was transferred to CBCID, Ramanathapuram. Subsequently on investigation, the case has been altered into Sections 302 and 392 of IPC, on 16.02.2015 against the petitioner and two other persons.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case, He further submitted that only on the confession given by the other accused, the name of the petitioner has been found in FIR. He has not committed any offence as alleged by prosecution.

4. The learned Government Advocate (Crl. Side) filed a counter affidavit and stated that Write Senthil and Chinnathambi whitewashed the house of the deceased and found that she was living alone wearing gold jewels. Write Senthil informed this to the petitioner herein. The petitioner and others conspired and on 03.09.2013 at 12.30 pm, the petitioner and A2 viz., Bala @ Balamurugan climbed into the house and murdered her and robbed the gold Thali chain and other jewels. After the murder, A1 and A4 immediately left India and went to Malaysia. Services to bring them to India and also Look Out Circular (LOC) was issued. The petitioner was arrested only at the time of Airport immigration at Trichy when he came to India on 03.09.2015. The



petitioner and fourth accused are very close friends. After committing the offence, the petitioner went to abroad immediately after the occurrence. He further submitted that after transferring the case to CBCID, the offences has been altered into Sections 302 and 392 of IPC and the confession of one Senthilkumar, the involvement of petitioner and others were found out and thereafter, the petitioner was arrested and remanded to judicial custody. If he is enlarged on bail, petitioner would abscond. The offence committed by the petitioner is murder for gain. The petitioner is prime accused. He further submitted that the earlier petition filed by the petitioner in Crl.O.P(MD).No.20910 of 2015 was dismissed by this Court on 16.11.2015.

5. Considering the facts and circumstances of the case and gravity of the offence and also considering the fact there is no change of circumstances for enlarging the petitioner on bail, this Court is not inclined to grant bail to the petitioner. 6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
26/11/2015

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

TO

- 1 THE INSPECTOR OF POLICE, C.B.CID, RAMANATHAPURAM
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE OFFICER-IN-CHARGE, DISTRICT PRISON, RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.22413 of 2015
Date :26/11/2015

trp
CSL/GSV-AN/SAR-II/11.12.2015
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