



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

Thursday, the Third day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.22443 of 2015

BALAMURUGAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
C.B.C.I.D. MADURAI
(CR.NO. 168/2005)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S V.RAGHUPATHY Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

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

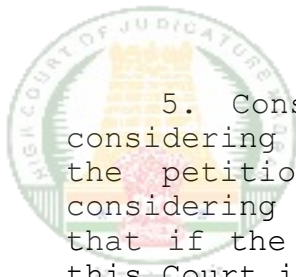
ORDER : The Court Made the following order :-

The petitioner, who is the accused No.2, 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 302,397,404,380 and 506(ii) of IPC and hence, seeks bail.

2. The case of the prosecution is that the accused murdered one Sheela and her husband Ebinesarpaul on 06.04.2005. After investigation by the CBCID, this petitioner was arrested and another accused, by name S. Karthikeyan was surrendered before the Village Administrative Officer on 14.07.2015 and confessed that he murdered the deceased and committed theft of jewellery and cash and at that time, the petitioner came to the house of the deceased to collect his salary and he also took the jewels and cash from the house of the deceased and absconded for 10 years. After the transfer of investigation to CBCID only, the petitioner was arrested.

3. The learned counsel for the petitioner submitted that on the date of occurrence i.e 06.04.2005, in the First Information Report, the name of the petitioner was not mentioned and it is only on the confession of A1, this petitioner's name was implicated in this case. He further submitted that the petitioner was arrested on 14.07.2015 and he is in judicial custody for more than 140 days.

4. The learned Government Advocate (Crl. Side) submitted that the jewels were recovered from the petitioner and he purchased the house from and out of the amount stolen from the house and that has to be recovered from this petitioner. He further submitted that the petitioner was arrested only 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 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/-
03/12/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE, C.B.C.I.D. MADURAI

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S V.RAGHUPATHY Advocate SR.No.69357.

TS/04.12.2015/2P-5C/DP-JGB/SAR -II

ORDER
IN
CRL OP(MD) No.22443 of 2015
Date :03/12/2015