



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

Wednesday, the Sixteenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23901 of 2015

VELKUMAR

... PETITIONER/ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VADASERY POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.857/2015)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S L.GEORGE PAUL ANTO, ADVOCATE

FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

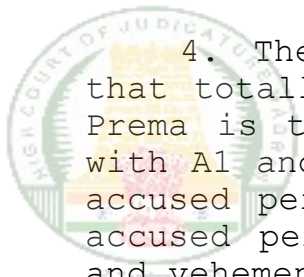
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 24.10.2015 for the alleged offences punishable under Section 174 Cr.P.C., altered into Sections 302, 120(b) and 201 of the Indian Penal Code in Crime No.857 of 2015 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 23.10.2015 at about 07.00 a.m., the dead body of the deceased was found in the Well belonging to one Mano, Son of Suyambu on suspicious circumstances. Originally, the complaint was registered under Section 174 Cr.P.C., in Crime No.857 of 2015 by the respondent Police and subsequently, on investigation, it was found that due to illicit intimacy of A1 with the wife of the deceased, the accused persons conspired together and the first accused/A1 had taken the deceased in his vehicle for Manthirigam work on 18.10.2015 at about 07.30 p.m., and the accused persons strangled and stabbed the body of the deceased and thrown the deceased in the Well and therefore, the case has been altered into Sections 302, 120(b) and 201 of the Indian Penal Code.

3. The case of the petitioner is that the petitioner is innocent person and there is no overt act attributed against the petitioner and his name is not found in the First Information Report. Only based on the confession statement given by A1, his name has been falsely implicated in this case and he is in judicial custody from 24.10.2015.



4. The learned Government Advocate (Criminal Side) submitted that totally there are three accused in this case and the accused-Prema is the wife of the deceased. She developed illegal intimacy with A1 and due to that, with intention to murder the deceased, the accused persons conspired together and committed murder. The other accused persons are still in custody and investigation is pending and vehemently opposed to enlarge the petitioner on bail.

5. Considering the gravity of the offence and also considering the fact that the investigation is pending, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
16/12/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE OFFICERS INCHARGE,
DISTRICT JAIL,
AT NAGERCOIL, KANYAKUMARI DISTRICT.

ORDER
IN
CRL OP(MD) No.23901 of 2015
Date :16/12/2015

PS
TE/SKS-RR/SAR-I : 21/12/2015 : 2P/4C