



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12111 of 2016

MAHALINGAM

..PETITIONER/ACCUSED No.3

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

CR NO. 51 OF 2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S P.RAMASAMY Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.3, who was arrested and remanded to judicial custody on 21.08.2015 for the alleged offences punishable under Sections 302 IPC @ Sections 147, 148, 149, 120(b), 302 and 34 IPC read with Section 3(2)(v) of SC/ST Act, in Crime No.51 of 2015, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the husband of the de facto complainant, by name, Ilayaraja had been murdered by some unknown persons. The occurrence tookplace in between 13.03.2015 at 04.00 p.m. and 14.03.2015 before 10.00 a.m. and the same was informed to the respondent police on 14.03.2015 at 12.00 p.m. On complaint, case has been registered for the above said offences.

3.According to the petitioner, earlier he moved an application for bail before the learned Principal Sessions Judge, Tirunelveli and he was granted interim bail vide order dated 16.07.2015 made in Cr.M.P.No.875 of 2015 with a condition to appear before the learned Judicial Magistrate No.II, Thiruvetriyoor daily twice i.e., at 10.00 a.m. and 05.00 p.m. and since he failed to comply with the condition, the interim bail was cancelled and he was arrested and remanded to judicial custody on 21.08.2015.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. His name is not mentioned in the FIR. On the confession given by the co-accused, he was



implicated in this case. Due to ill-health, the petitioner did not make any arrangements to file an application for the extension of interim bail. The petitioner is in judicial custody from 21.08.2015.

5. The learned Government Advocate (Crl. side) submitted that the petitioner was granted interim bail by the Principal Sessions Court, Tirunelveli and he did not comply with the condition and jumped out of bail and he was arrested on 21.08.2015. The petitioner is having two previous cases. The petitioner already filed applications for bail in Crl.O.P(MD)No.6622 of 2016 and 9000 of 2016 and this Court dismissed the same on 21.04.2016 and 10.06.2016 respectively and if the petitioner is released on bail, he will tamper the evidence and hamper the investigation. Investigation has been completed and charge sheet has been filed before the learned Judicial Magistrate.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 21.08.2015, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi.
- (ii) the petitioner shall report before the said Court twice i.e., at 10.30 a.m. and 05.00 p.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

20/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
<https://hcservices.ecourts.gov.in/hcservices/>

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.



3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE, SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

+1. CC to M/S P.RAMASAMY Advocate SR.No.37961

ORDER IN

CRL OP(MD) No.12111 of 2016

Date :20/07/2016

PBK/NGM-MP/SAR-III 20/07/2016 ::3P-7C::