



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15433 of 2016

JAYAPPAUL

... PETITIONER/ ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
REGHUNATHAPURAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO. 53/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.JAMEEL ARASU Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

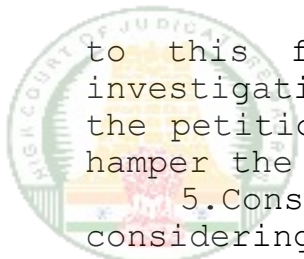
ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 14.06.2016 for the alleged offences punishable under Sections 302,379 and 201 of IPC, in Crime No.53 of 2016, on the file of the respondent Police and hence, seeks bail.

2.The case of the prosecution is that the defacto complainant is the husband of the deceased. The defacto complainant and husband were living separately. The defacto complainant received information from the daughter of his maternal uncle that his wife was missing and did not find inspite of diligent search. While so, the petitioner surrendered before the Village Administrative Officer and confessed that he was having illicit relationship with deceased and took a sum of Rs.3,00,000/- from the deceased and when the same was demanded he murdered her. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is not having illicit relationship with the deceased. Due to the previous enmity a false case has been foisted against the petitioner. He further submitted that the petitioner is in judicial custody from 14.06.2016 and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner had illicit relationship with deceased and took the money. The deceased demanded for return of money and informed to all the villagers that the money being taken by the petitioner and due



to this fact that the petitioner murdered the deceased and investigation of the case is pending. He further submitted that if the petitioner is enlarged on bail, he will tamper the evidence and hamper the investigation.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 14.06.2016, 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, Pudukkottai;

(ii) the petitioner shall report before the respondent Police daily at 10.00 a.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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl side), as to whether the petitioner is complying with the condition or not.

sd/-

30/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PUDUKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE, REGHUNATHAPURAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.48080

JA-DB-SAR.LIB/30.08.2016/2P:7C

ORDER IN

CRL OP(MD) No.15433 of 2016

Date : 30/08/2016