



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

**Sunday, the Thirteenth day of November Two Thousand Sixteen
PRESENT**

**THE HON'BLE MR. JUSTICE M. SATHYANARAYANAN
CRL OP(MD) No.21693 of 2016**

KARUNA @ KARUNAMOORTHY

... PETITIONER/ACCUSED No.2

Vs

1 THE SUPERINTENDENT OF POLICE
PUDUKKOTTAI DISTRICT JAIL, PUDUKKOTTAI
2 STATE REPRESENTED BY INSPECTOR OF POLICE
AVUDAIYARKOVIL POLICE STATION,
AVUDAIYARKOVIL, PUDUKKOTTAI DISTRICT.
(CR. NO.160/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.VENKATESAN Advocate

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

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

ORDER : The Court Made the following order :-

There are totally four accused concerned in Cr.No.160 of 2016 registered by the respondent and the petitioner is arrayed as A.2.

2. As per the F.I.R registered based on the defacto complainant the mother of the deceased Devadoss, her son was running a Fast Food business and also doing money lending business and some of them did not pay the amount due and payable to her son and on 06.10.2016, he was called through a Cell Phone and accordingly, left about 04.15 p.m., on 06.10.2016 in a car and when he was nearing Aranthangi Main Road Junction, some persons came in a white Ambassador car and attacked with lethal weapons and he died on the spot.

3. Mr.R.Venkatesan, learned Counsel for the petitioner/A.2 would submit that he is the eldest son of one Lakshmi, wife of late Marimuthu and she died on 12.11.2016 at about 01.15 p.m. and he has to perform the ceremonies in connection with the death of his mother and therefore, he prays for parole/temporary release on bail for a period of one week. He would further submit that immediately, he will surrender either before the Superintendent of Prisons, District Jail, Pudukottai or before the Court of Judicial Magistrate, Aranthangi and therefore, he prays for appropriate orders.

4. Per contra, Mrs.S.Prabha, learned Government Advocate appearing for the respondents, on instructions, would submit that it is true that the mother of the petitioner/A.2 died on the above said date. She would further add that the petitioner/A.2 is a hireling and is having cases under Section 302 I.P.C and four cases under Sections 326 I.P.C and in the event of his temporary release, he may abscond. She would further submit that since he was arrested on 08.10.2016, the investigation is in a preliminary stage and in the light of the facts and circumstances of the case, she prays for

appropriate orders.

5. This Court paid it's best attention to the rival submissions and also perused the typed set of documents, which also contains the death certificate, dated 12.11.2016.

6. In the light of the facts and circumstances of the case pleaded by the petitioner/A.2, the petitioner/A.2 has to perform the ceremonies in connection with the demise of his mother and the petitioner/A.2 pleaded for temporary parole and on that ground, this Court is not inclined to go into the merits or otherwise of the case of the prosecution or the defence to be projected by the petitioner/A.2. The petitioner being the eldest son, he has to perform the ceremonies in connection with the demise of his mother and as such, this Court is inclined to grant interim bail for a period of three days, subject to certain conditions.

7. In the result, this Criminal Original Petition is ordered, subject to the condition that the petitioner/A.2 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety for a like sum to the satisfaction of the Superintendent of Prisons, District Jail, Pudukottai and on such execution of the bond, he shall be enlarged on interim bail for a period of three days between 13.11.2016 and 16.11.2016 with sufficient police escort and on the expiry of the period, he shall be taken back to custody on 16.11.2016 before 05.00 p.m.

sd/-

13/11/2016

/ TRUE COPY /

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

TO

- 1 THE SUPERINTENDENT OF POLICE
PUDUKKOTTAI DISTRICT JAIL, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
AVUDAIYARKOVIL POLICE STATION,
AVUDAIYARKOVIL, PUDUKKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT PRISONS,
DISTRICT JAIL, PUDUKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO :

THE JUDICIAL MAGISTRATE,
ARANTHANGI.

+1. CC to M/S.R.VENKATESAN Advocate

JA-SAR-1-3P:7C