



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

Thursday, the Twenty First day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP(MD) No.6622 of 2016

MAHALINGAM

... PETITIONER/ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.51 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.ANGUSAMY Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

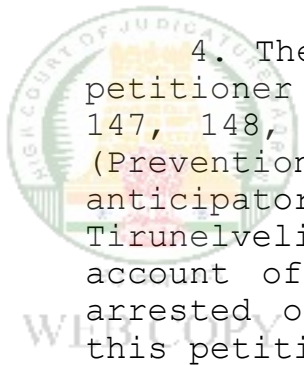
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 21.08.2015 by the respondent police for the alleged offences punishable under Sections 302 IPC @ 147, 148, 149, 120(b), 302, 34 IPC r/w Section 3(2)(v) of SC&ST (Prevention of Atrocities) Act, 1989, in connection with the case registered in Crime No.51 of 2015 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the *defacto* complainant's husband, by name, Ilayaraja had been murdered by some unknown persons and he had illegal intimacy with one Kanchana and he had been threatened by one Kasthuri and his son, who are the close relatives of the said Kanchana.

3. The learned counsel for the petitioner submitted that the petitioner moved an anticipatory bail application before the learned Principal Sessions Judge, Tirunelveli, in Cr.M.P.No.875 of 2015 and he was granted interim anticipatory bail with a condition to appear daily twice before the learned Judicial Magistrate No.II, Thiruvetriyur and since he failed to comply with the condition, interim anticipatory bail was cancelled and he was arrested and remanded to judicial custody on 21.08.2015. He further submitted that the petitioner is an innocent person and his name does not find place in the First Information Report and hence, he prays for an order directing the release of the petitioner on bail.



4. The learned Additional Public Prosecutor submitted that the petitioner was charged for the offences under Sections 302 IPC @ 147, 148, 149, 120(b), 302, 34 IPC r/w Section 3(2)(v) of SC&ST (Prevention of Atrocities) Act, 1989 and earlier, he was granted anticipatory bail by the learned Principal Sessions Judge, Tirunelveli, in Cr.M.P.No.875 of 2015 and it was cancelled on account of non-compliance of condition imposed and hence, he was arrested on 21.08.2015 and, therefore, he prays for dismissal of this petition.

5. Admittedly, in this case, the petitioner was earlier granted anticipatory bail by the lower Court and it got cancelled on 27.07.2015 on account of non-compliance of the condition imposed and he was arrested only on 21.08.2015., i.e., after a period of 25 days. Subsequently, he filed a bail petition in Cr.M.P.No.609 of 2016 before the learned Principal Sessions Judge, Tirunelveli and the same came to be dismissed on 18.03.2016.

6. Considering the facts and circumstances of the case and also considering the attitude of the petitioner in not complying with the condition imposed by the lower Court while granting an order of anticipatory bail and also the fact that subsequent bail petition came to be dismissed, this Court is of the view that if the petitioner is released on bail, he will not be regular in complying with the condition and, therefore, he is not entitled to an order of bail at this stage.

7. In the result, the petition seeking bail stands dismissed.

sd/-

21/04/2016

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

TO

1 THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SML

CSL/SKS-RR/SAR-I/26.04.2016 : 2P/5C

ORDER

IN

CRL OP(MD) No.6622 of 2016

Date : 21/04/2016