

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL ORIGINAL PETITION No.21149 of 2017

1 MURUGESAN,
2 KALIMUTHU,

[PETITIONERS / ACCUSED]

Vs

INSPECTOR OF POLICE,
THALAINAYAR POLICE STATION,
NAGAPATTINAM DISTRICT.
CR.NO.78 OF 2017.

[RESPONDENT]

For Petitioner : M/S.S.ARIVAZHAGAN Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners in this criminal original petition are arrayed as first and second accused in the case. The petitioners are son-in-law and father-in-law. The allegation made against them is that they murdered the parents of the first petitioner. The charge sheet has been laid and on committal of the case, the Sessions Court, Nagapattinam took the case on file in S.C.No.78 of 2017 on 01.08.2017.

3. This Court while dismissing the earlier bail petition in Crl.O.P.No.10623 of 2017, directed the trial Court to complete the trial within a period of two months from the date of receipt of the records from the committal court.

4. The learned counsel appearing for the petitioners contend that even after four months from the date of taking the case on file by the Sessions Court, trial could not be completed and out of 13 witnesses examined so far, 12 witnesses turned hostile and still more than 16 witnesses are yet to be examined in the case and therefore, petitioners may be enlarged on bail. It is further contended that both the petitioners have been in custody from 05.04.2017 and the second petitioner is a senior citizen, aged 63 years and he is suffering from ailments.

5. The learned Government Advocate opposes this petition contending that the first petitioner being son murdered his own parents with the help of the second petitioner and others for the property. There is also overt act as against the second petitioner. So far 13 witnesses have been examined and the sister of the first petitioner, who was examined as P.W.1 has substantiated the charges as against both the petitioners and the case is listed before the trial Court for examination of L.W.16 to L.W.29 on 19.12.2017 and the trial will be completed within 2 months and therefore, the petition is to be dismissed.

6. Considering the fact of double murder and the overt act attributed as against the first petitioner, relationship between the first petitioner and the deceased and the stage of the trial, this Court is not inclined to enlarge the first petitioner on bail. However, the case of the second petitioner is to be considered on different footing. He is aged 62 years, he is father-in-law of the first petitioner. No doubt there is overt act as against the second petitioner. He has been in custody nearly for the past 8 months and he is also suffering with ailments relating to his age. Though this Court stipulated time to complete the trial within two months from the date of receipt of the records by the Sessions Court, the trial could not be completed even after four months from that date.

7. Considering the above aspects, this Court is of the considered view that the second petitioner alone is to be enlarged on bail. With respect to the first petitioner, this petition is dismissed.

8. Accordingly, the second petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum, to the satisfaction of the Judicial Magistrate, Vedaranyam and on further condition that the petitioner shall report before the respondent police on every Monday at 10.00 a.m., for a period of two months.

-sd/-
12/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
VEDARANYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
THALAINAYAR POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE SUPERINTENDENT
CENTRAL JAIL, TRICHY

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.NO. 22531

CRL OP.21149/2017

Date :12/12/2017

RD 13/12/2017