



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18048 of 2017

1 P.SRIRAM
2 S.VIVEKRAJA

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION, MADURAI.
(CRIME NO.1140 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.MALAIKANI Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

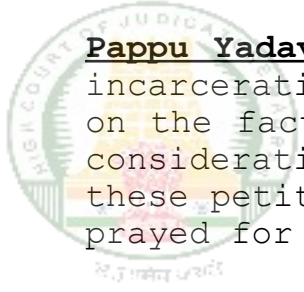
ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody for the offences punishable under Section 302 IPC r/w 34 IPC in Crime No.1140 of 2017 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons are said to have stabbed one Arivalagan and succumbed to death, which resulted in registration of the present case.

3. The learned counsel for the petitioners has submitted that the petitioners are in judicial custody for more than 90 days and therefore, they are entitled to bail. He has further submitted that the 1st petitioner was a minor at the time of occurrence and a charge sheet has already been filed, which has also been taken on file in S.C.No.518 of 2017 on the file of the learned IV Additional District and Sessions Judge, Madurai.

4. The learned Government Advocate (Crl.Side) has strongly objected to the grant of bail, contending that if the petitioners/accused are let out on bail, there is every possibility of the accused tampering the witnesses.



Pappu Yadav vs. CBI, reported in 2007 (1) SCC 70, a long period of incarceration is not a valid ground for grant of bail and it depends on the facts and circumstances of each case. Therefore, taking into consideration the serious nature of the allegations levelled against these petitioners, this Court is not inclined to grant the relief as prayed for by the petitioners.

6. In the result, this Criminal Original Petition stands dismissed accordingly.

sd/-
28/12/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18048 of 2017
Date :28/12/2017

MKV-PM-PN-SAR 3/3.1.2018/2P-4C