



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

Tuesday, the Twelfth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12047 of 2017

LOGU @ LOGANATHAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMNATHAPURAM DISTRICT,
CR NO. 447/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

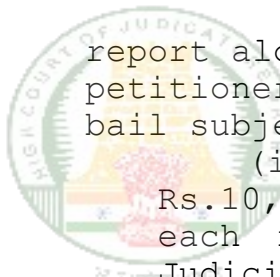
The petitioner / A1, who was arrested on 01.07.2017 for the offences punishable under Sections 120(b) & 302 of IPC in Crime No.447 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is said to have cut the neck of the deceased due to illicit intimacy with A2 prior to the marriage of the deceased and he gave confession before the Village Administrative Officer.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that co-accused was granted bail by this Court today and the petitioner is in prison from 01.07.2017.

4.The learned Additional Public Prosecutor would submit on instructions that initially, FIR was registered against the unnamed accused and during investigation, totally 2 persons were arrayed as accused and the petitioner is arrayed as A1. He further submitted that A2 was granted bail by this Court today in Cr1.OP(MD)No.12007 of 2017 and investigation is completed and awaiting for viscera report. He also submitted that earlier bail application moved by this petitioner in Cr1.OP(MD)No.10665 of 2017 was dismissed as withdrawn by the petitioner on 11.08.2017.

5.Considering the facts and circumstances of the case and considering the fact that co-accused was granted bail by this Court today and the period of incarceration of the petitioner in prison from 01.07.2017 onwards and investigation is completed and viscera



report alone is awaited, this Court is inclined to grant bail to the petitioner. 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 II, Ramanathapuram;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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].

sd/-
12/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 OFFICER IN CHARGE, SUB JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION, RAMNATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.30513

ORDER
IN
CRL OP(MD) No.12047 of 2017
Date :12/09/2017