



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

Friday, the Sixth day of October Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.12813 of 2017

ARUMUGAM @ MOORTHY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.218 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate

For Respondent : M/S.T.MOHAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S. S.R.A.RAMACHANDHRAN, Advocate

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

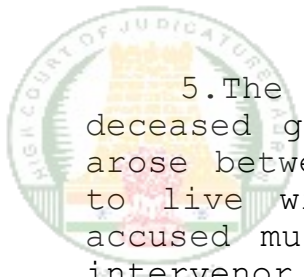
ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 20.06.2017 for the offences punishable under Sections 302 IPC in Crime No.218 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the husband of the deceased and due to family dispute between them, the petitioner attacked the deceased with aruval on her neck, left and right shoulder and murdered her.

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 also submitted that investigation is completed and the case is also committed by the Sessions Court by the committal court and the same is pending for appearance of the petitioner before the Sessions Court.

4.The learned Additional Public Prosecutor submitted that the petitioner is the sole accused. He would further submit that the first bail petition in CrI.O.P.(MD)No.9708 of 2017 was dismissed on 16.08.2017, the 2nd bail petition in CrI.O.P.(MD)No.11936 of 2017 was dismissed as withdrawn on 20.09.2017 and this is the third bail petition on the very same set of facts. He also submitted that investigation is completed and charge sheet was also laid and the same was taken on file in P.R.C.No.55 of 2017 by the Judicial Magistrate, Kumbakonam and the same was committed to the sessions court and the same is posted for hearing on 12.10.2017.



5.The learned counsel for the intervenor submitted that the deceased got pregnant during the year 2016 and due to a dispute arose between the petitioner and the deceased, the deceased forced to live with the petitioner and on the date of occurrence the accused murdered the deceased with aruval in the presence of the intervenor.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner was in custody from 20.06.2017 and the case was also committed to the sessions Court by the committal court, 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 Judicial Magistrate No.II, Kumbakonam;

(ii)the petitioner is directed to appear before the concerned Court 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/-

06/10/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.32230

ORDER IN
CRL OP(MD) No.12813 of 2017
Date :06/10/2017