



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

Tuesday, the Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13414 of 2017

SATHAM HUSSAIN ALIAS KARUPPU SATHAM HUSSAIN

... PETITIONER / 1st ACCUSED

Vs

1 THE STATE REPRESENTED BY
THE ASSISTANT COMMISSIONER OF POLICE,
SOCIAL JUSTICE AND HUMAN RIGHT UNIT,
MADURAI CITY POLICE,
MADURAI.
S.C NO. 17/2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.POORNA CHANDRAN Advocate

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

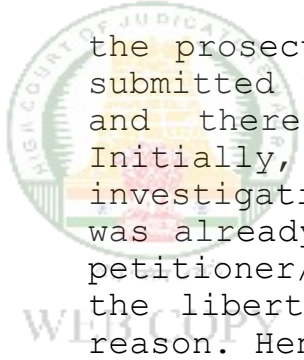
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 01.11.2015, for the alleged offences punishable under Sections 379, 342, 364, 394, 397 and 302 of IPC., read with 34 of IPC, and Section 3(2) (V) of SC/ST Prevention of Atrocities Act, 1989, in Crime No.317 of 2015, on the file of the respondent police. After completion of investigation, the case was taken on file in S.C.No.17 of 2016 by the learned III-Additional District and Sessions Judge, Special Court for PCR Cases, Madurai, seeks bail.

2.The case of the prosecution is that in the complaint of the Village Administrative Officer, Ulaganeri Village, it was alleged that in an unclaimed car bearing Registration No.TN-07-H-1372, which was parked in the Doctors City, he found a dead body inside the car. Subsequently, the respondent police filed the case for the above said offences. After filing charge sheet before the learned Judicial Magistrate No.VI, Madurai, subsequently, the case was committed to the learned III-Additional District and Sessions Judge, Special Court for PCR Cases, Madurai and taken on file in S.C.No.17 of 2016.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by



the prosecution. He is no way connected with the crime. He further submitted that the petitioner is in prison for the past two years and there is no serious allegation against the petitioner. Initially, the petitioner's name was not in the FIR. After investigation, the petitioner was implicated as A1. A2 in this case was already released on bail. He further submitted that keeping the petitioner/A1 in jail for the past two years is not sustainable and the liberty of the petitioner would not be curtailed without any reason. Hence, he prays for bail.

4. Per contra, the learned Government Advocate (Criminal side) appearing for the State would submit that after investigation, the case was taken on file in S.C.No.17 of 2016 and the trial is almost completed. The prosecution witnesses is already over and the cross-examination of the petitioner is also partly over. At the edge of trial, the petitioner approached this Court seeking bail is not sustainable.

5. Considering the facts and circumstances of the case and also considering the submission made by either side counsel, since the petitioner involved in the offence punishable under Section 302 IPC and the trial is almost over, in view of the above factual position, I am not inclined to grant bail to the petitioner/A1. Accordingly, this Criminal Original Petition is dismissed.

sd/-

03/10/2017

/ TRUE COPY /

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

TO

- 1 THE IIIIRD ADDITIONAL DISTRICT
AND SESSIONS JUDGE AND SPECIAL COURT FOR PCR CASES,
MADURAI
- 2 THE ASSISTANT COMMISSIONER OF POLICE,
SOCIAL JUSTICE AND HUMAN RIGHT UNIT,
MADURAI CITY POLICE,
MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

JAM/06.10.17/PM-PN/SAR 1 /2P-5C

ORDER

IN

CRL OP(MD) No.13414 of 2017

Date :03/10/2017