



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

Tuesday, the Tenth day of October Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) No.13677 of 2017

ARASAN PRABU @ PRABU

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT.
(CRIME NO.659 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.A.S.VAIGUNDHU Advocate

For Respondent : Mr.T.MOHAN, Additional Public Prosecutor

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

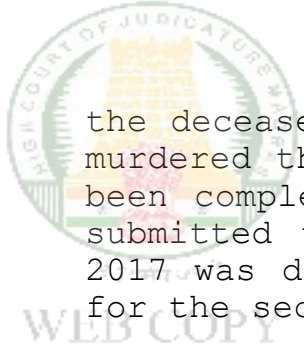
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 05.08.2017 for the offences punishable under Sections 294(b), 302, 506(ii), 120(B) and 109 IPC in Crime No.659 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased loved the relative of A1 and thereafter, he refused to marry her. Due to the said motive, the petitioner along with other accused, murdered the deceased.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the name of the petitioner was not found in the FIR and based on the confession of the coaccused, the petitioner has been implicated as accused.

4.The learned Additional Public Prosecutor appearing for the respondent also submitted that totally there are 3 named accused in the FIR and during investigation, based on the confession of coaccused, the petitioner is implicated as A4 in this case and the specific overt act attributed against the petitioner is that he showed the place of the deceased and also informed the movement of



the deceased and thereafter, A1 to A3 are said to have attacked and murdered the deceased. He further submitted that investigation has been completed and awaiting for Chemical analysis report. He also submitted that earlier bail application in CrI.O.P.(MD)No.12573 of 2017 was dismissed on 22.09.2017 and the present petition is filed for the second time seeking bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that investigation has been completed and awaiting for chemical analysis report and also the period of incarceration of the petitioner in jail, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.I, Tuticorin and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness during trial.

[c] the petitioner shall not abscond during trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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/-
10/10/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I
TUTICORIN

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT



4 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.32438

ORDER
IN
CRL OP(MD) No.13677 of 2017
Date :10/10/2017

nbj
SH/CM-MSA/SAR-2:10.10.2017: 3p/7c