



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14020 of 2017

WEB COPY

UDHAYAKUMAR

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.11 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SELVARAJ, Advocate

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

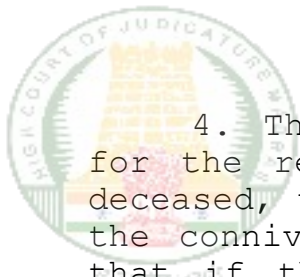
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 09.01.2017 for the alleged offences punishable under Sections 147, 148, 452, 294(b), 302 and 506(ii) of IPC., altered into Sections 120(b), 147, 148, 452, 294(b), 302 and 506(ii) of IPC., in Crime No.11 of 2017, on the file of the respondent police, which was taken on file in PRC.No.25 of 2017, on the file of the learned Judicial Magistrate, Shencottai, seeks bail.

2.The case of the prosecution is that the deceased got the fishery rights in the local tank through public auction in which the petitioner also participated. Aggrieved by the same, in the year 2015, the petitioner and other accused persons murdered the brother of the deceased and a case was registered and the same is pending, in which the deceased was one of the eyewitness. On 08.01.2017, at about 11.30 p.m. the petitioner along with other accused persons conspired to get rid of the deceased and forcefully entered into the house of the deceased with deadly weapons and assaulted him with Aruval and the deceased sustained fatal injuries and died on the spot. On complaint, case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the co-accused were released on bail and there is no specific overtact against the petitioner. This is the second bail application and the earlier bail application was withdrawn by the petitioner. Hence, he prays for bail.



4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that to wreck vengeance against the deceased, the petitioner attacked the deceased and murdered him with the connivance of the other accused persons. He further submitted that if the petitioner is released on bail, he will tamper the witnesses and he will interfere with the investigation process, hence, he vehemently objected to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) and also considering the gravity of the offence said to have been committed by the petitioner, I am not inclined to grant bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.

sd/-
25/10/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT ,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14020 of 2017
Date :25/10/2017

PK/SM/SAR-2/08.11.2017 : 2P/4C