



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

Friday, the Fifteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15559 of 2017

JOTHI MURUGAN

...PETITIONER/ ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AVIYUR POLICE STATION,
KARIYAPATTI TALUK,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 177/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.AJMAL KHAN, Senior Counsel for
M/S.S.SENTHILKUMAR Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

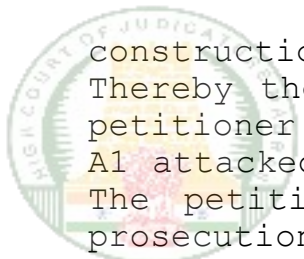
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 04.10.2017 for the alleged offences punishable under Sections 302, 201, 202 of IPC., in Crime No.177 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is A2. A1 is the wife of the deceased. The deceased person tortured his wife/A1, on the ground that A1 had illegal intimacy with A2. Thereby, unbearable of the torture given by the deceased person, A1 attacked her husband with Grinder Stone and he was died on the spot and in order to escape from the crime, A1 informed the same to the petitioner through phone and the petitioner went to the house of A1 and on seeing the body, he advised A1 to burry the body in the back side of the house and run away from the spot. Based on the complaint given by the father of the deceased, a case has been registered for the above said offences. Thereby A1 was arrested and remanded to judicial custody on 30.09.2017 and based on the confession given by A1, A2 was implicated in this case. Hence this petition.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and there is no specific allegation against the petitioner. He further submitted that the petitioner is doing contract works by arranging masons and workers for the constructions and he merely rendered some assistance in the



construction work of a new house that was built by the deceased. Thereby the deceased person suspected the relationship between the petitioner and A1. Thereafter, on 29.07.2017, due to wordy quarrel, A1 attacked her husband with Grinder Stone and he died on the spot. The petitioner has not committed any offence as alleged by the prosecution. However, he was arrested on 04.10.2017 and languished in jail for 75 days.

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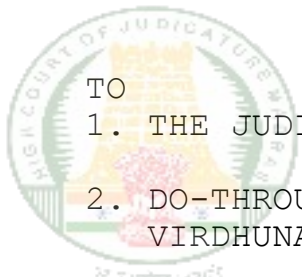
4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioner did not commit murder, however, he helped A1 in order to hide the body and this Court already dismissed the petition as against this petitioner on 25.10.2017. He further submitted that the investigation is almost completed and they are waiting for Viscera report.

5. Considering the facts and circumstances of the case and also considering the change of circumstances and also considering the period of incarceration in jail, I am inclined to grant bail to the petitioner with certain conditions. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar;
- (ii) the petitioner shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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 and the bail granted stands cancelled automatically.

sd/-
15/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRDHUNAGAR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE OFFICER INCHARGE, SUB JAIL, SRIVILLIPUTHUR.

4. THE INSPECTOR OF POLICE, AVIYUR POLICE STATION,
KARIYAPATTI TALUK, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.SENTHILKUMAR Advocate SR.No.36298

ORDER IN
CRL OP(MD) No.15559 of 2017
Date :15/12/2017

MS/CM-VR/SAR.1/15.12.2017/3P.7C