



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

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17809 of 2017

MOHAMMED RAFFIQ

... PETITIONER / ACCUSED No.8

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT,
(REF.CRIME NO.484/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.MURALI 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.8, who was arrested and remanded to judicial custody on 13.12.2017 for the alleged offences punishable under Sections 294(b), 302 and 506(ii) of I.P.C., altered into Sections 120(B), 147, 148, 294(b), 302 and 506(ii) of I.P.C., in Crime No.484 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.08.2017, since the defacto complainant was ill, her husband took her to hospital to take treatment, at that time, when they were near the Aavin Milk Shop, there was a power cut and the petitionenr and other accused persons, using the situation assembled there and murdered the defacto complainant's husband. Based on the complaint, a case was registered against the petitioner and other accused persons for the above said offences. On investigation, it was found that due to previous enmity between the defacto complainant's family and the accused family, the accused persons murdered the defacto complainant's husband. Subsequently, the Law Enforcing Agency arrested the accused persons and remanded them to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Moreover, the petitioner has no specific overtact and he is no way connected with the crime



and hence, he prays for bail. He further submitted that the petitioner has been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the State, on instructions, would submit that there were nine accused involved in this crime and A1 to A3 were absconded. The anticipatory bail petition filed in CrI.O.P.(MD).No.16990 of 2017 by one of the accused persons, was dismissed as withdrawn on 11.12.2017, since this Court denied to grant anticipatory bail to the petitioner on the ground that the other accused were not secured by the respondent police. Thereafter the other accused persons were secured by the respondent police and they were released on bail by the Court below. The present petitioner also surrendered before the Deputy Superintendent of Police and remanded to judicial custody. He is in jail for 12 days. He also conceded that there was no specific overtact against the petitioner.

5. Considering the facts and circumstances of the case and the stage of investigation and also considering the fact that there was no specific overtact against the petitioner, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following certain 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.I, Kovilpatti;
- (ii) the petitioner shall report before the respondent police, daily twice at 10.00 a.m. and 05.00 p.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/-
22/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN

3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT,

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

+1. CC to MR.M.MURALI Advocate SR.No.36853

JAM/22.12.17/RM/ SAR 1/ 3P-7C

ORDER

IN

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Date :22/12/2017