



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of March Two Thousand Seventeen

PRESENT

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The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2462 of 2017

T.KINGSLY JEBASINGH

... PETITIONER / ACCUSED NO.9

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
B1 TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.182 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY Advocate

For Respondent :MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

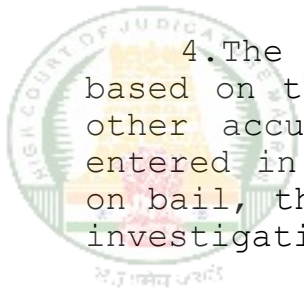
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as 9th accused in Crime No.433 of 2017, arrested for the offences under Section 399 IPC and Section 25 (1-A) of the Arms Act, read with Section 120(b) IPC, seeks bail.

2.Totally, nine accused are involved in the crime. The alleged occurrence happened on 23.04.2016. Whereas, based on the statement of one of the accused, this petitioner was implicated as A9 and was arrested on 21.02.2017.

3.According to the counsel for the petitioner, when this petitioner moved anticipatory bail before the High Court, the learned Government Advocate(Crl.Side), submitted that the name of the petitioner is not found place in the FIR and based on the said submission, anticipatory bail petition was dismissed on 19.05.2016. When there is no new material for the prosecution to implicate the petitioner, without any substantial material, this petitioner was arrested on 21.02.2017.



4.The learned Government Advocate(Crl.Side) submitted that based on the confession statement given by A1, this petitioner and other accused was added as A8 and A9 and the investigation has entered in a very crucial stage and if this petitioner is released on bail, there is certainty of tampering witnesses and hampering the investigation process.

5.One Rajasekar has filed intervening petition, wherein, he has stated that this petitioner is one of the main kingpins of the occurrence and he is a professional killer. He arranged to kill his father S.P.Pandiyan, who is the Manager of a private finance company at Nagercoil. While they were conspiring to do so, they were apprehended by the Police with deadly weapons at old bus stand, Ramanathapuram. He has given a list of criminal cases pending against the petitioner in various police stations and stating that the accused person being an influential person and having muscle power, there is every possibility of tampering the evidence and he may fly abroad if he is granted bail.

6.Perusal of the CD file indicates that some of the accused were found suspicion during the patrol and on interception, they were found with deadly weapons and preparing to commit decoity. Therefore, a case was registered against them under Section 399 IPC and Section 25(1-A) of the Arms Act. On 30.04.2016, one Srinivasan who is arrayed as A1 in this case was arrested and in his confession statement, he has spoken about the conspiracy between him and this petitioner to eliminate one Pandian, a Financier so as to grab his property after murdering him and his son Rajasekar. Pursuant to the conspiracy through this petitioner, the said Srinivasan has arranged hirelings to eliminate Rajasekar. But before they could execute the crime, they were apprehended by the Police on 23.04.2016. Except this confession statement, the respondent/Police is not able to produce any evidence against this petitioner to implicate him in the crime.

7.From the investigation held so far, it appears that there is a feud between this petitioner and the family of the intervenor. Few cases are pending against both the petitioner as well as the intervenor, arising out of the rivalry. In so far as this case is concerned, this Court finds that except the alleged confession statement of A1, no other incriminating materials is available as of now against the petitioner. Hence, this Court is of the opinion that the petitioner may be released on bail by imposing stringent 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.10,000/- (Rupees Ten Thousand Only) each, with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Ramanathapuram.

(ii)The petitioner shall stay at Cuddalore and report before the town police station twice daily at 10.00 a.m and 05.00 p.m., until further orders.



(iii)The petitioner shall not tamper with the evidence or witnesses either during investigation or trial.

(iv)The petitioner shall not abscond either during investigation or trial.

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sd/-
15/03/2017

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.1, RAMANATHAPURAM.
 - 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
 - 3.THE OFFICER INCHARGE, SUB JAIL,
RAMANATHAPURAM.
 - 4.THE INSPECTOR OF POLICE,B1 TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 5.ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HGIH COURT, MADURAI.
 - 6.THE INSPECTOR OF POLICE,
TOWN POLICE STATION, CUDDALORE.
- +1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.14663

ORDER
IN
CRL OP(MD) No.2462 of 2017
Date :15/03/2017

MS/SV.MMS/15.03.2017/2P.8C