



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

Wednesday, the Fifteenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2847 of 2017

PANA VELAMURUGAN

... PETITIONER/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.70 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : MR.KA.RAAMAKRISHINAN Advocate

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

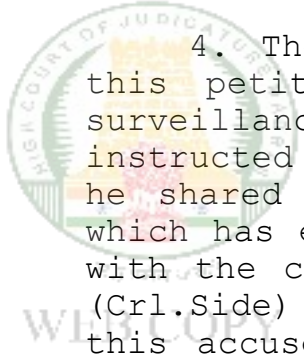
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 25.01.2017 for the alleged offences punishable under Sections 449, 452, 302 and 506(ii) of IPC and Section 4 of TNWH Act, in Crime No.70 of 2017 on the file of the respondent police seeks bail.

2.The petitioner is arrayed as accused based on the confession statement of A1 in this double murder case, seeks bail on the ground that even according to the confession statement, this petitioner was not in the scene of occurrence but keeping surveillance far off and instructed to kill the brother of the defacto complainant, if he comes out from the house. In fact the other accused have entered into the house of the deceased and found the brother and husband of the deceased inside the house and killed both of them brutally.

3.The learned counsel for the petitioner submitted that even according to the confession statement which is the only incriminating material against the petitioner and does not attribute any overtact and therefore he has to be granted bail and similarly place other accused Jeenu Solomon/A9 was granted bail by this Court on 23.02.2017. Therefore on parity this petitioner should also be granted bail.



4. The learned Government Advocate (Crl.Side) submitted that this petitioner who formed part of the conspiracy and keeping surveillance of the movement outside the scene of crime and he was instructed to kill, if the inmates of the house come out. Therefore he shared the common intention of murdering the deceased persons which has eventually completed. Therefore he cannot be treated par with the co-accused arrayed as A9. The learned Government Advocate (Crl.Side) also furnished a list of previous cases pending against this accused emphasising the submission that if the petitioner is released on bail, he will not only tamper witnesses but also indulge in crime.

5.This Court on perusal of the list of previous cases pending against the accused/petitioner finds that right from 2012, the petitioner has been involved in crime. Despite granting bail and enjoying the bail, he has not decieted from involving in criminal activities. Therefore this Court is of the firm opinion that if the petitioner is released on bail, he will again indulge in crime and it is not conducive for completing the investigation and conclude the trial in this double murder case. Hence this Criminal Original Petition is dismissed.

sd/-
15/03/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

PJL
CSL/RR/SAR-II/21.03.2017 : 2P/4C

ORDER
IN
CRL OP(MD) No.2847 of 2017
Date :15/03/2017