



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8542 of 2017

SIVAPANDY,

... PETITIONER /SOLE ACCUSED

Vs

THE STATE THRO
THE INSPECTOR OF POLICE,
SUBRAMANIPURAM POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.402 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S. P.THAMBIDURAI Advocate

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

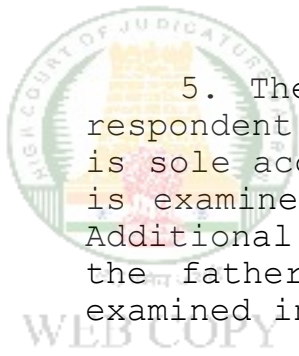
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) IPC on the file of the respondent Police in Crime No.402 of 2017, seeks bail.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.The case of the prosecution is that the petitioner has threatened the de facto complainant for depositing him in the murder case. On complaint, a case has been registered against the petitioner.

4. The learned counsel appearing for the petitioner states that the de facto complainant deposed in the murder case one year back and there was no immediate or sudden provocation to go and pick quarrel with the defacto complainant, after one year. He would further submit that the petitioner is in judicial custody from 19.05.2017 onwards and an earlier bail application moved on behalf of the petitioner in Cr.O.P(MD).No.7806 of 2017 was dismissed by this Court on 23.06.2017.



5. The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that the petitioner herein is sole accused in this case. The de facto complainant in this case is examined as PW1 in S.C.No.55 of 2015 pending on the file of IV Additional Sessions Court, Madurai. The deceased in that case is the father of the de facto complainant. PW1 to PW7 is so far examined in that case and remaining witness has to be examined.

6. Considering the facts and circumstances of the case and also considering the fact that the accused in this case is sole accused in S.C.No.55 of 2015 and that father of the defacto complainant was murdered and that the investigation is still pending before the Sessions Court, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, the Criminal Original Petitioner is dismissed.

sd/-
07/07/2017

/ TRUE COPY /

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

TRP
TO

- 1 THE IV ADDITIONAL SESSIONS JUDGE, MADURAI.
- 2 THE INSPECTOR OF POLICE,
SUBRAMANIAPURAM POLICE STATION, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

GJM/CM/MSA/SAR-1-12.7.17-2P-5C

ORDER
IN
CRL OP(MD) No.8542 of 2017
Date : 07/07/2017