



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

Tuesday, the Twenty Fifth day of July Two Thousand Seventeen

PRESENT

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

CrI.O.P.(MD)Nos.9271 to 9273 of 2017

RAMACHANDRAN @ KOCHUPILLAI

... PETITIONER/2nd ACCUSED
in all the petitions

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KALIYAKKAVILAI,
KANYAKUMARI DISTRICT.
(CRIME NO.190/2017)

... RESPONDENT/ COMPLAINANT
in CrI.O.P(MD) No.9271 of 2017.

STATE REP.BY
THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
NITHIRAVILAI, KANYAKUMARI DISTRICT.
(CRIME NO.86/2017)

... RESPONDENT/ COMPLAINANT
in CrI.O.P(MD) No.9272 of 2017.

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
THIRUVATTAR,
KANYAKUMARI DISTRICT.
(CRIME NO.120/2017)

...RESPONDENT/ COMPLAINANT
in CrI.O.P(MD) No.9273 of 2017.

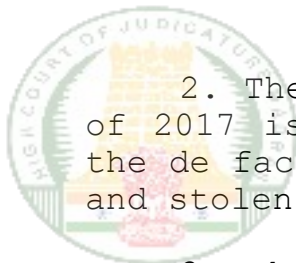
For Petitioner : M/S.C.KISHORE, Advocate
in all the petitions

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR
in all the petitions

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.2 in CrI.O.P(MD). Nos.8449, 8451 and 8454 of 2017 (in all the cases) was arrested and remanded to judicial custody on 23.05.2017 for the offences punishable under Sections 328,379 IPC in Crime Nos.190, 86 and 120 of 2017 on the file of the respondent police, seek bail.



2. The case of the prosecution in CrI.O.P(MD).Nos.8451 and 8454 of 2017 is that on 15.05.2017 the petitioner went to the house of the de facto complainant and gave poison to the de facto complainant and stolen a the gold jewels of her.

3. The case of the prosecution in CrI.O.P(MD).No.8449 of 2017 is that on 11.05.2017 at about 9.00 am one unknown lady aged about 25 years came to the house of the de facto complainant stating that she will help the defacto complainant from the harmful effects of black magic. Subsequently, the first accused mixed a powder in a cup of water and asked the de facto complainant to drink it. Then the de facto complainant felt unconscious. When the defacto complainant became conscious she found that the thali chain worth 5 ½ sovereigns and also two small rings were found missing. The value of jewels are Rs.1,25,000/-. On complaint, the said three cases have been registered against the petitioner.

4. The learned counsel appearing for the petitioner states that recoveries are already effected and the investigation is almost over in this case and the petitioner is in judicial custody from 23.05.2017. He would further submit that the petitioner is not having any previous cases, except these cases.

5.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that earlier bail petitions moved on behalf of the petitioner in CrI.O.P(MD).Nos.8449, 8451 and 8454 of 2017 were dismissed by this court, as per the order dated 06.07.2017. He would further submit the petitioner is not having any previous cases, except these cases for the similar type of offences. He further contended that investigation is completed, but, the chemical analysis report is yet to be received.

6.Considering the facts and circumstances of the case and also considering the fact that investigation is completed after dismissal of the earlier bail petitions and that the chemical analysis report is only yet to be received and that the petitioner is in judicial custody from 23.05.2017, this Court is inclined to grant bail to the petitioner. 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) (in each cases) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai.

(ii) the petitioner is directed to appear before the learned Judicial Magistrate No.I, Kuzhithurai daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) On breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate



action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-
25/07/2017

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE OFFICER INCHARGE, SUB JAIL, KUZHITHURAI.
 4. THE INSPECTOR OF POLICE, KALIYAKKAVILAI POLICE STATION,
KALIYAKKAVILAI, KANYAKUMARI DISTRICT.
 5. THE INSPECTOR OF POLICE, NITHIRAVILAI POLICE STATION,
NITHIRAVILAI, KANYAKUMARI DISTRICT.
 6. THE INSPECTOR OF POLICE, THIRUVATTAR POLICE STATION,
THIRUVATTAR, KANYAKUMARI DISTRICT.
 7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +3. CC to M/S.C.KISHORE Advocate SR.Nos.27236,27237,27238

ORDER IN
Cr1.O.P.(MD)Nos.9271 to 9273 of 2017
Date :25/07/2017

MS/PM-PN/SAR.3/25.07.2017/3P.11C