



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

CRL OP(MD) No.9595 of 2017

MURUGANANDAM

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT,
(CRIME NO.234/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.VEERA KATHIRAVAN, SENIOR COUNSEL FOR
M/S.C.JEGANATHAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

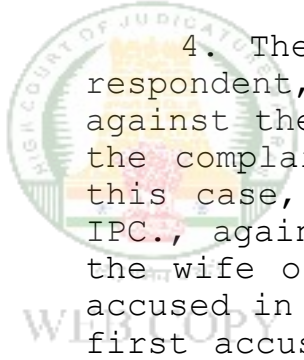
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 14.06.2017, for the offence under Section 174 Cr.P.C., which was altered into Sections 120(b), 364, 302 and 379 of IPC., in Crime No.234 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the wife of the deceased is having illicit intimacy with the first accused in this case, who is a painter and also an Astrologist. The first accused arranged hirelings, kidnapped the deceased Viswanthan by a Car and also murdered him. During investigation, on the confession of one Ganapathy, the petitioner has been implicated in this case. The petitioner was arrested and in custody from 14.06.2017 onwards. The specific overt act against the petitioner is that the petitioner has followed the car in which the deceased and A1 with other two persons were travelling.

3. The learned counsel appearing for the petitioner states that the prime accused in this case said to have illegal intimacy with the wife of the deceased and have murdered of the deceased through hirelings and, who was granted anticipatory bail by this case. He would further submit that the petitioner in this case was arrested and he in custody from 14.06.2017 onwards and no custodial interrogation of this petitioner is required, since he was arrested and his confession was also recorded.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered against the unnamed accused, at the first instance, on the basis of the complaint given by VAO and thereafter, on confession of A2 in this case, Sections were altered into 120(b), 364, 302 and 379 of IPC., against 9 accused in this case. He would further submit that the wife of the deceased is having illicit intimacy with the first accused in this case, who is a painter and also an Astrologist. The first accused arranged hirelings, kidnapped the deceased Viswanthan by a Car and also murdered him. On the confession of one Ganapathy, the petitioner has been implicated in this case. The petitioner was arrested and in custody from 14.06.2017 onwards. The specific overt act against the petitioner is that the petitioner has followed the car, in which the deceased and A1 with other two persons were travelling. He also submitted that A2 and A3 were arrested and they are in custody. A1 was granted anticipatory bail by this Court, as per order in CrI.O.P(MD)No.8208 of 2017, dated 13.06.2017. The other accused are still absconding and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the co-accused in this case was granted anticipatory bail by this Court and the petitioner is in judicial custody from 14.06.2017 onwards, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur, and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders, for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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, as if the conditions have been imposed and the petitioner released on bail by the learned 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

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

4 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.27241

ORDER

IN

CRL OP(MD) No.9595 of 2017

Date :25/07/2017

MKV-PM-PN-SAR 3/25.7.2017/3P-7C