



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1155 of 2018

P. MANIKANDAN

... PETITIONER/ACCUSED No.2

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.645/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.I.PINAYGASH Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

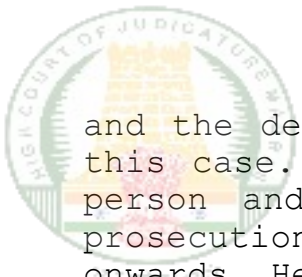
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 03.07.2017 for the offence punishable under Sections 302, 201, 187 and 342 I.P.C., in Crime No.645 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to business motive, the defacto complainant's husband was murdered in a suspicious manner and found the dead body was in a gunny bag. Based on the complaint given by the defacto complainant, initially a case was registered against 5 persons in Crime No.776 of 2017 for the offence under Section 302 of I.P.C., Subsequently it was altered into Sections 302, 201 and 187 I.P.C., Thereafter, the case has been transferred to the respondent police on jurisdiction point. After that the respondent police registered a case in Crime No.645 of 2017 for the offences under Sections 302, 201, 187 and 342 I.P.C.,

3.The learned counsel appearing for the petitioner submitted that only on the ground of business motive between the A1



and the deceased, the petitioner/A2 has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 03.07.2017 onwards. Hence, he prays for bail.

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4. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that there is one previous case is pending against this petitioner/A2 for the offence under Section 302 I.P.C., in that case, after completing investigation, charge sheet has been filed and the same was taken on file as P.R.C.No.62 of 2017 before the Judicial Magistrate No.IV Court, Madurai. Now, in this case, charge sheet has been filed after completing the investigation and the same is pending before the learned District and Sessions Judge, Madurai as S.C.No.614 of 2017.

5. The submissions made by the learned counsel on either side are considered. It seems that on 03.07.2017, the petitioner was surrendered and remanded to judicial custody for the offences punishable under Sections 302, 201, 187 and 342 of I.P.C. According to prosecution, as of now, charge sheet has been filed after completing the investigation. Now the case is pending before the learned VI Additional District and Sessions Judge, Madurai as S.C.No.614 of 2017. Admittedly, the petitioner is having one previous case. It was also registered under Section 302 I.P.C. Even though the said case is still pending before the concerned Magistrate Court as PRC No.53 of 2015, the petitioner is in Judicial Custody from 03.07.2017 to till date. Hence, considering the period of incarceration of the petitioner and considering the fact that investigation is completed in this case and also taking all the above said aspects into consideration, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.IV, Madurai;

(ii) the petitioner is directed to appear before the Judicial Magistrate No.IV, Madurai daily twice at 10.00 a.m and evening at 5.00 p.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/-
24/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.I.PINAYGASH Advocate SR.No.1238

ORDER
IN
CRL OP(MD) No.1155 of 2018
Date :24/01/2018

PK/RR-CSL/SAR-1/25.01.2018 : 3P/7C