



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1330 of 2018

CHINNAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.256 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.D.BALAMURUGAPANDI Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

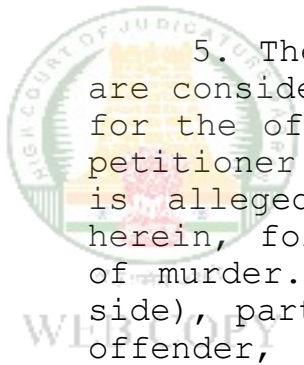
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 17.11.2017 for the alleged offences punishable under Sections 302 and 379 of IPC, in Crime No.256 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.11.2017, based on the complaint given by the petitioner that his wife was murdered by some one, a case was registered for the said occurrence.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in this case. He further submitted that the earlier bail petition filed before the lower Court was dismissed on 19.01.2018. This is the second bail application.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that initially based on the complaint given by the petitioner, case has been registered for murder. On investigation, it reveals that in order to commit theft of gold ornament from his wife, the petitioner himself committed the murder. He further submitted that the investigation is still pending.



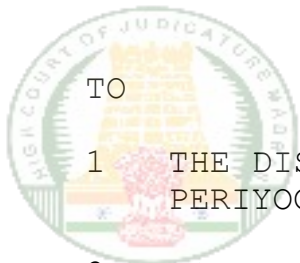
5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioner for the offences punishable under Sections 302 and 379 of IPC. The petitioner is in judicial custody from 17.11.2017 to till date. It is alleged that during the time of occurrence, the petitioner herein, for the purpose of committing theft, committed the offence of murder. According to the learned Government Advocate (Criminal side), part of the investigation is completed. So, being the first offender, nothing has to be recovered from the petitioner through further custodial interrogation. So, considering the above stated reasons and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions. 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 District Munsif-cum-Judicial Magistrate, Periyoor, Madurai District;
- (ii) the petitioner shall report before the Ottanchathiram Police Station, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and 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 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/-
29/01/2018

/ TRUE COPY /

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERIYOOR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

5 THE INSPECTOR OF POLICE,
OTTANCHATHIRAM POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.1441

ORDER

IN

CRL OP(MD) No.1330 of 2018

Date :29/01/2018

MKV-PM-PN-SAR 3/29.1.2018/3P-8C