



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1694 of 2018

GANESAN @ MOHAMED KANI

... PETITIONER / 2nd ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
TUTICORIN DISTRICT.
IN CR.NO. 601/2017

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.N.RAMESHARUMUGAM 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 :-

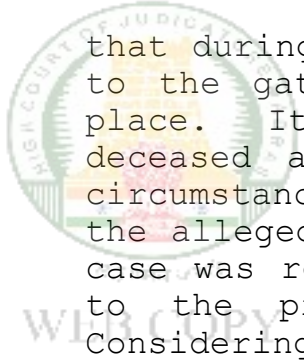
The petitioner / second accused, who was arrested on 12.12.2017 for the offences punishable under Sections 450, 302 @ 450, 302, 120 (B) IPC, in Crime No.601 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner's son had illegal contact with the deceased, due to which, the 1st petitioner/mother-in-law murdered the deceased, at that time, the 2nd petitioner/father-in-law is standing on the street to watch anybody come over to the occurrence place. Hence, a case has been registered against the petitioner and he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence. He further submitted that Accused No.3 was already released on bail by the Principal Sessions Judge, Thoothukudi in Cr.M.P.No.144 of 2018, on 12.12.2018.

4.The learned Government Advocate (Criminal side) appearing for the respondent police submitted that totally three accused in this case. He further submitted that part of the investigation is completed.

5.Considering the submissions made on either side, it seems that a case has been registered against the petitioner for the offences under Sections 450, 302 @ 450, 302, 120(B) IPC,. The petitioner is in judicial custody from 12.12.2017. It is alleged



that during the time of occurrence, the petitioner is standing near to the gate to watch if any people come over to the occurrence place. It is alleged during that time, 1st accused assaulted the deceased and committed the offence. Considering the facts and circumstances, the petitioner is having a knowledge with regard to the alleged offences. However, as of now, the other accused in this case was released on bail by the Trial Court itself. Now according to the prosecution, part of the investigation is completed. Considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation. Therefore, 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 Judicial Magistrate No.3, Tuticorin.

(ii) the petitioner is directed to appear before the respondent police, 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/-

05/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TUTICORIN.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 4 THE SUB INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION, TUTICORIN DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.RAMESHARUMUGAM Advocate SR.No.1936

ORDER IN

CRL OP(MD) No.1694 of 2018

Date :05/02/2018