



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2323 of 2018

P.MARUTHUPANDI

... PETITIONER/ACCUSED No.1

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : MR.T.LAJAPATHI ROY for M/S.I.PINAYGASH 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/Accused No.1, who was arrested and remanded to judicial custody on 03.07.2017 for the alleged offences punishable under Sections 302, 201, 187 and 342 of IPC., 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 suspicious manner and the dead body was kept in a gunny bag. Hence, the case has been registered against the petitioner and other accused for the above said crime.

3. The learned counsel representing the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that due to previous motive, the petitioner and other accused committed the murder. He further added that the petitioner is having so many previous cases, he is a history sheeter and if the petitioner is



released on bail, he may be tamper the witnesses. Hence, he pleads for dismissal of this bail application.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and four other accused committed the murder of one Sridhar. Thereafter, the petitioner was arrested and remanded to judicial custody on 03.07.2017. He is in the judicial custody for the past 221 days. As of now, after completing investigation, final report has been filed and the same was pending before the Court concerned in S.C.No.614 of 2017. Further, the only objection raised by the learned Government Advocate (Criminal side) is that the petitioner is having so many previous cases and he is a history sheeter, for which the learned counsel appearing for the petitioner submitted the particulars that all the cases are ended in acquittal and as of now, only one case, which was registered in Crime No.1100 of 2012, for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC., alone is pending for trial. Further he also produced the particulars of the previous antecedents, which are disposed of from the year 2012-2016. So, considering the previous antecedents is not relevant for deciding this application. Thereby, considering the period of incarceration of the petitioner, 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 based on the solvency certificate obtained from the concerned Tahsildar, to the satisfaction of the learned Judicial Magistrate No.IV, Madurai;

(ii) the petitioner shall report before the respondent police, daily twice at 10.00 a.m., and 05.00 p.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/-

15/02/2018

/ TRUE COPY /



PJL
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.2495

ORDER

IN

CRL OP (MD) No.2323 of 2018

Date :15/02/2018

SMA/PM-PN/SAR-1/15.02.2018:3P/7c