



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2401 of 2018

S.MARIMUTHU

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.18 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KA.RAAMAKRISHINAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

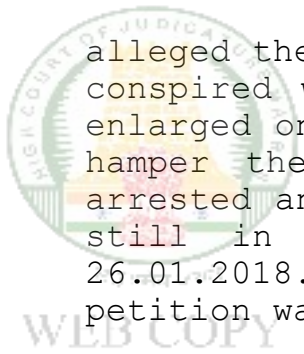
The petitioner / A3, who was arrested on 26.01.2018 for the offence punishable under Sections 302, 120(b), 109 IPC in Crime No.18 of 2018 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that due to previous motive, the petitioner along with other accused have murdered the de facto complainant's son. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 26.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that A5 & A6 are not yet arrested and other accused in this case were arrested and they are still in judicial custody. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. Totally there are six accused in this case, in which the petitioner herein is arrayed as A3. Considering the role played by the petitioner in this offence, it is seen that in the alleged occurrence, the petitioner along with one accused, namely, Suresh, who is main accused in this case and one Muruganathan have made conspiracy, in order to commit the murder of one Ponraj. Even though, the petitioner is not having any role in



alleged the offence of murder, considering the fact that he has also conspired with the other accused and hence, if this petitioner is enlarged on bail, there may be a chance to tamper the witnesses and hamper the investigation. In this case, A5 & A6 are not yet arrested and other accused in this case were arrested and they were still in judicial custody. This petitioner was arrested on 26.01.2018. Hence, this Court came to the conclusion that this petition was filed too earlier.

6.Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
16/02/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2401 of 2018
Date :16/02/2018

MS/PM-PN/SAR.4/06.03.2018/2P.4C