



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2545 of 2018

DHANAPAL

... PETITIONER / ACCUSED NO.7

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT
CR.NO.953 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.A.S.PRABHU Advocate

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

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

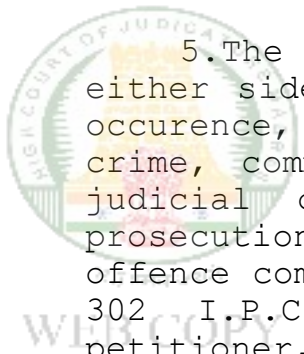
ORDER : The Court Made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 10.01.2018 for the offence punishable under Section 302 I.P.C., in Crime No.953 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused strangled the deceased to death by tying his hands and head with rope and thrown him into the well. Hence, a case has been registered against the petitioner and other accused for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case. Further submitted that the petitioner's name was not mentioned in the First Information Report. Based on the confession statement given by the co-accused, the petitioner's name has been implicated in this case. He further added that the petitioner is in judicial custody from 10.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are 7 accused in this case. The petitioner herein is arrayed as A7. According to him, part of the investigation is completed.



5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner being the seventh accused in the alleged crime, committed the murder of one Appali @Arjunan and he is in judicial custody from 10.01.2018 to till date. According to prosecution, part of the investigation is completed. Even though the offence committed by the petitioner is punishable with under Section 302 I.P.C, considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Therefore, considering the above facts and circumstances of the case, 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 No.I, Karur.

(ii)the petitioner is directed to appear before the respondent police daily at 10.00 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/-
23/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.A.S.PRABHU Advocate SR.No.2937

ORDER IN
CRL OP(MD) No.2545 of 2018
Date :23/02/2018