



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.256 of 2018

K.KALIRAJ

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO. 300/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SELVAKUMAR, Advocate

For Respondent:M/S.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 rank not known, who was arrested on 14.08.2017 for the offence punishable under Sections 294(b), 506(ii) & 302 of IPC in Crime No.300 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the daughter of the deceased person have love affair with each other for the past two years, due to which there was a dispute arisen between the petitioner and the deceased person. In that score the petitioner has murdered the deceased. The respondent police have registered a case in Crime No.300/2017 and the same has been taken on file in P.R.C. No.15 of 2017 and the same is yet to be committed to the proper Court.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offences alleged by the prosecution. The petitioner was arrested on 14.08.2017 and is in judicial custody.

4.The learned Government Advocate (Criminal Side), submitted that the charge sheet was filed in PRC.No.15/2017.

5.The submissions made by either side are considered. The petitioner is in judicial custody from 14.08.2017. Now after completing the investigation, charge sheet has been filed and the same was taken on file as PRC.No.51/2017. Hence, custodial



interrogation is not necessary. Further, even though, the petitioner is having one previous case, such case is not grave in nature.

6. Considering the above facts and circumstances and considering the period of detention and also due to the completion of investigation, 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.2, Kovilpatti.

(ii) the petitioner is directed to appear before the Judicial Magistrate, 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/-
08/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.2, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.265

ORDER IN
CRL OP(MD) No.256 of 2018
Date : 08/01/2018