



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.293 of 2018

LAKSHMANAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
PUTHIYAMPUTHUR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.178 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.S.VAIGUNTH, Advocate for
M/S.P.BANUPRASATH, Advocate

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

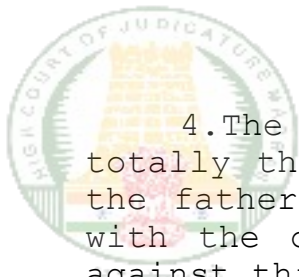
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 21.10.2017 for the offence punishable under Sections 302, 506(ii) and 109 I.P.C., in Crime No.178 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 20.10.2017 at about 3.00 p.m the accused no.1 attacked the deceased with Aruval on the backside of the deceased. Due to the attack, the defacto complainant's brother died. The motive behind the murder is, earlier the accused no.1 misbehaved with the deceased daughter, hence, the deceased and his son quarreled with the accused no.1. Based on the above said motive, the accused no.1 committed the murder of the deceased.

3.The learned counsel for the petitioner would submit that the petitioner was not in the scene of occurrence. This is the father of the A1, but there is no specific overtact is levelled against the petitioner. He was not committed any offence as mentioned in the F.I.R. He further submitted that the petitioner is in judicial custody for the past 75 days. Hence he prays for bail.



4.The learned Government Advocate (Crl.side) submitted that totally there are three accused in this case. The petitioner/A2 is the father of the A1. The petitioner herein is having relationship with the deceased daughter. There is no previous case is pending against this petitioner and investigation is at premature stage.

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5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Section 302 and 506(ii) I.P.C., in Crime No.178 of 2017 and he is in judicial custody from 21.10.2017. According to the prosecution of the case, part of the investigation is completed. Admittedly, the petitioner is having permanent residence. The petitioner was arrested and remanded to judicial custody on 21.10.2017. Considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the investigation. So, considering the period of incarceration of the petitioner, the contention made by the learned Government Advocate(Crl.Side) need not be considered.

6.Considering the above facts and circumstances, 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, 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/-

09/01/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, TUTICORIN.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3. THE SUB INSPECTOR OF POLICE,
PUTHIYAMPUTHUR POLICE STATION, TUTICORIN DISTRICT.

4. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.BANUPRASATH Advocate SR.No.397

ORDER

IN

CRL OP (MD) No.293 of 2018

Date : 09/01/2018

MS/PN/SAR.2/09.01.2018/3P.7C