



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3197 of 2018

AATHI MARUTHEESWARAN

... PETITIONER / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
IN CRIME NO.484 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.NEETHIMOHAN Advocate

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

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

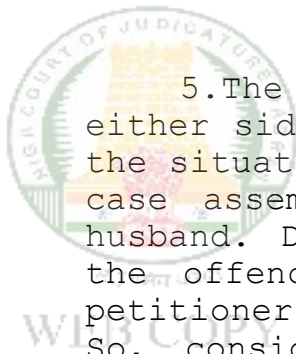
ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 11.12.2017, for the offence punishable under Sections 120(b), 147, 148, 294(b), 302 and 506(ii) I.P.C., in Crime No.484 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.08.2017, the petitioner and other accused unlawfully assembled, abused the deceased by using filthy language, assaulted him by using the deadly weapons and caused the death. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the alleged occurrence. He further submitted that the petitioner is in judicial custody from 11.12.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that during the time of occurrence, the petitioner and other accused assaulted the deceased by using the deadly weapons and caused the death. 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 on 31.08.2017, using the situation of power cut, the petitioner and other accused in this case assembled together and murdered the defacto complainant's husband. During the time of investigation, it was identified that the offence was committed due to previous enmity. However, the petitioner is in the judicial custody from 11.12.2017 to till date. So, 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, Kovilpatti.

(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/-

01/03/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI,
TUTHOOKUDI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.K.NEETHIMOHAN Advocate SR.No.3343

MSA

JAM/02/03/2018/ CM-VR / SAR 2 / 3P-6C

ORDER

IN

CRL OP(MD) No.3197 of 2018

Date :01/03/2018