



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.3246 of 2018

MUTTAIKAN MATHAN @ MATHANKUMAR

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI
CRIME NO.300 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.NELSON 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/A2, who was arrested and remanded to judicial custody on 16.10.2017, for the offence punishable under Sections 294 (b), 506(ii), 307, 302 I.P.C., and r/w 34 I.P.C., in Crime No.300 of 2015, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused assaulted the deceased by using the knife and committed the offence of murder. 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 16.10.2017 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 along with other accused stabbed the deceased by using the knife and committed the crime. He further added that after filing charge sheet, the case was taken on file in S.C.No.387 of 2016, on the file of the VI-Additional District and Sessions Judge, Madurai, thereby, at the time of trial, due to the



non-appearance of the petitioner, the learned Trial Judge issued non-bailable warrant against the petitioner. Thereafter, the petitioner was arrested and remanded to judicial custody on 16.10.2017.

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 and other accused in this case stabbed the deceased by using the knife and committed the offence of murder. According to prosecution, as of now, the said case was pending before the learned VI-Additional District and Sessions Judge, Madurai in S.C.No.387 of 2016. During the trial proceedings, on 08.03.2017, the learned Trial Judge issued NBW against this petitioner for his non-appearance. Thereafter, the petitioner was arrested and remanded to judicial custody on 16.10.2017. Previously, before issuing NBW, the petitioner had regularly appeared before the Court concerned.

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 VI-Additional District and Sessions Judge, Madurai.

(ii)the petitioner is directed to appear before the concerned Court daily twice i.e. morning at 10.30 a.m and evening at 5.00 p.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 VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI.

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

+1. CC to M/S.M.NELSON Advocate SR.No.3282

ORDER

IN

CRL OP (MD) No.3246 of 2018

Date :01/03/2018

MKV-PM-PN-SAR 2/1.3.2018/3P-6C