



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.337 of 2018

1 P. SRIRAM
2 S.VIVEKRAJA

... PETITIONERS/ACCUSED Nos.1&2

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE
K.PUDHUR POLICE STATION,
MADURAI.
(CRIME NO.1140/2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.MALAIKANI Advocate

For Respondent : M/S.K.SUYAMBULING BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who were arrested on 26.08.2017 for the offence under Sections 302 r/w 34 I.P.C., in Crime No.1140 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 26.08.2017, the petitioners along with other accused persons are said to have stabbed one Arivalagan and succumbed to death, thereby, the respondent police registered a case and he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and and they have been falsely implicated in this case. He further submitted that the first petitioner was a minor at the time of occurrence and a charge sheet has already been filed, which has also been taken on file in S.C.No.518 of 2017 on the file of the learned IV Additional District and Sessions Judge, Madurai. Further, earlier bail application dismissed by this Court in Crl.O.P.(MD)No.18048 of 2017, dated 28.12.2017.



4. The learned Government Advocate (Criminal Side) submitted that totally two accused in this case, Accused no.1 is having two previous cases and Accused No.2 is having one previous case. He further submitted that if the petitioners/accused are let out on bail, there is possibility for tampering the witnesses by this petitioner. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the submissions made on either side, it discloses that the offence under Sections 302 r/w 34 I.P.C., in Crime No.1140 of 2017 has been registered against the petitioners. Earlier bail application filed by these petitioners are dismissed on 28.12.2017. As of now, in this case, charge sheet has been filed and the same was taken on file in S.C.No518 of 2017 and adjourned to 23.01.2018 for the cross examination of the prosecution witness. Further, custody of the petitioner is not necessary. According to the submission made by the learned Government Advocate (Crl.side) that the first petitioner herein is having two previous cases, in which, one case is registered for the offence under Section 302 I.P.C., and the second petitioner is having one previous case, which was registered for the offence under Section 392 and 397 IPC. So, previous antecedents of the petitioners clearly show that they are habitual offenders. Hence, if this type of petitioners are released on bail, they may try to tamper the witness and hamper the investigation. Hence, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-

17/01/2018

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

TO

1 THE INSPECTOR OF POLICE, K. PUDHUR POLICE STATION, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

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

+1. CC to M/S.S.MALAIKANI Advocate SR.No.846

ORDER

IN

CRL OP (MD) No.337 of 2018

Date : 17/01/2018