



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

Monday, the Fifth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3379 of 2018

RAGU

... PETITIONER / 3rd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI.
IN CRIME NO.301/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH, Advocate

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

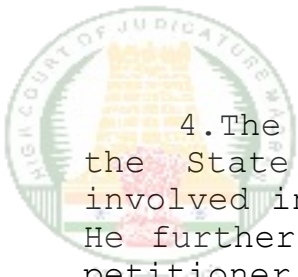
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 15.12.2016 for the offence punishable under Sections 302 and 201 I.P.C., in Crime No.301 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.10.2016, one Kanagaraj, aged about 73 years was died in a suspicious circumstances in the Penthacostha Mission building. Subsequently, the Sipcot Police registered a case for the offence under Section 174 Cr.P.C., and thereafter it was altered for the offence punishable under Sections 302 and 201 I.P.C.,

3.The learned counsel appearing for the petitioner submitted that based on the confession statement given by the first accused in this case, the petitioner herein has been implicated as A3 in this crime. He further submitted that due to the disciplinary action performed by the deceased against the first accused, the first accused got vengeance and planned to murder the deceased with the help of his brother, namely, the second accused. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 15.12.2016 onwards. Hence, he prays for



4.The learned Government Advocate (Criminal side) appearing for the State submitted that there are totally four accused were involved in the occurrence. The petitioner herein is arrayed as A3. He further submitted that no previous case is pending against this petitioner. According to him, investigation is still pending.

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5.The submissions made by the learned counsel appearing on either side are considered. Initially, the case has been registered by the respondent police for the offence punishable under Section 174 Cr.P.C., Subsequently, during the time of investigation, the same has been altered into Sections 302 and 201 I.P.C., On going through the facts of the case, it is alleged that during the time of occurrence, the petitioner and three other accused in this case with an intention to kill the deceased by using a pillow and committed the offence, in order to get the post of Chief Pastor. According to prosecution, the petitioner herein is the cooligan, after receiving a sum of Rs.1,00,000/- from the first accused, he committed the offence. Based on the confession statement given by A1, this petitioner has been implicated in this case. Except that, no averment is made against this petitioner. In the above circumstances, the property which was used during the time of occurrence, has also been recovered through this petitioner. According to prosecution, investigation is not completed and the petitioner is the first offender. Further, the petitioner is in judicial custody from 15.12.2016 onwards. 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.III, Thoothukudi.

(ii) the petitioner is directed to appear before the respondent police daily twice, ie. at 10.00 a.m. and 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/-

05/03/2018

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT JAIL, PERURANI.
 4. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.VENKATESH Advocate SR.No.3468

ORDER

IN

CRL OP(MD) No.3379 of 2018

Date :05/03/2018

MS/PM-PN/SAR.4/05.03.2018/3P.7C