



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.349 of 2018

DAMOTHARAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY.
IN CRIME NO.1071 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN, Advocate

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

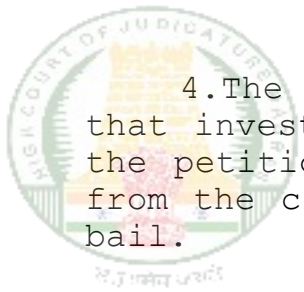
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / accused No.1, who was arrested on 23.10.2017 for the offence punishable under Sections 147, 148, 341, 307, 302 of IPC @ Sections 120(B), 147, 148, 341, 307, 302 of IPC in Crime No.1071 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that one Katharammal, lodged a complaint before the respondent police on 22.10.2017 stating that she is a councilor and her husband Ganesan used to warn the rowdy elements regarding their illegal activities, due to that motive arisen between her husband, the petitioner and the second accused, on 22.10.2017, the second accused and others, took aruval and knife, assaulted the defacto complainant's husband indiscriminately, thereby he succumbed to injuries. Hence, case has been registered against the accused and he was arrested and remanded to judicial custody.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and the petitioner is an innocent person. He further submitted that the petitioner and A2 had separate motive with the deceased, due to that motive, the present occurrence alleged to have been occurred at the instigation of the petitioner, except the confession of the co-accused, there is no other materials was available in the prosecution to implicate the petitioner in the alleged crime. Hence he prays for bail.



4.The learned Government Advocate (Criminal Side) submitted that investigation is not completed. He further submitted that if the petitioner will be granted on bail, he may be tried to escape from the clutches of law. Hence he vehemently opposed to grant of bail.

5.The submissions made by either side are considered, it disclose that the offences punishable under Sections 147, 148, 342, 341, 307, 302 of IPC r/w Section 120(B), 147, 148, 341, 307, 302 of IPC., has been registered against the petitioner. He is judicial custody from 23.10.2017. According to prosecution, investigation is not completed. The manner of offence committed by the petitioner is not a ordinary one. Though the petitioner is an Advocate, considering the nature of the offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
09/01/2018

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

TO

1. THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION, MADURAI CITY.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.349 of 2018
Date :09/01/2018

MS/PM-PN/SAR.1/18.01.2018/2P.4C