



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

Tuesday, the Thirteenth day of March Two Thousand and Eighteen

PRESENT

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The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3639 of 2018

NEELA VIGNESH

... Petitioner/Accused Sole

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.3 OF 2018).

... Respondent/Complainant

For Petitioner : M/S.C.MUTHUSARAVANAN, Advocate

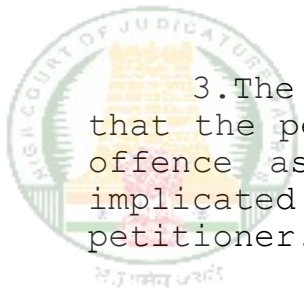
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side).

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

ORDER: The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 20.01.2018 for the alleged offence punishable under Sections 302 of IPC., in Crime No.3 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Village Administrative Officer, Verumbur, who is the defacto complainant in this case lodged a complaint that a person aged about 25 years found dead on the side of the NH 45 B Madurai-Tuticorin, near Cotton Blossom Company with a cut injury on the left side of his neck. Based on his complaint, a case has been registered against some unknown persons and later on, the investigation reveals that the petitioner herein is the accused and hence, the case has been registered against this petitioner for the crime of murder. On investigation, it reveals that the deceased and the petitioner's sister had love affair, at that time they had taken photographs. When the petitioner's family arranged the marriage of his sister, the deceased threatened the petitioner and his parents by showing the photographs, due to which the petitioner committed the offence.



3. The learned counsel representing the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that initially, the case was registered against some unknown persons, thereafter, on investigation, it reveals that the petitioner is the accused, who committed the murder and hence, the case has been registered against the petitioner. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. Previous to the alleged occurrence, the sister of the petitioner fall in love with the deceased, due to which they had taken photographs, which were now in the custody of the deceased. At that time, when the marriage was arranged to the sister of the petitioner, the deceased threatened the petitioner and his parents by showing the said photographs. Thereby, the petitioner has committed the offence of murder. As of now, the petitioner was arrested and remanded to judicial custody on 20.01.2018. So, considering the facts and circumstances and also considering the period of incarceration, this Court came to the conclusion that further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with some conditions. 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, Vilathikulam, Thoothukudi District;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in



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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/-
13/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
 - 2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, THOOTHUKUDI.
 - 4 THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.C.MUTHUSARAVANAN, Advocate SR.No.3978.

ORDER
IN
CRL OP(MD) No.3639 of 2018
Date :13/03/2018

SDS/MM-PN/SAR.3/13.03.2018/3P/7C