



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3713 of 2018

KIRUPAKARAN

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
(CR.NO. 36 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.KARNAN, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, was arrested and remanded to judicial custody on 23.01.2018, for the offences punishable under Section 147, 148, 302 of IPC @ 120(b), 109, 147, 148,, 201 and 302 IPC in Crime No.36 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, accused Nos. 1 to 5 are said to have committed the murder of one Hemanth, for which, the petitioner herein had supplied liquor and weapon to the said accused persons. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 23.01.2018. Hence, he prays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.

6.It is alleged, for the reason that the deceased scolded one Advocate Gopikanna the said Advocate arranged five persons for committing the offence of murder. Before committing the offence of murder, the petitioner herein, as per the instruction given by the said Advocate, who is arrayed as A1 in this case, gave liquor and other materials to the other accused. The above facts and circumstances show that the petitioner herein is also having the knowledge that other accused in this case are going to kill the deceased. In such circumstances, the offence committed by the petitioner is nothing but pre-planned murder. Further, the first accused being the Advocate committed the offence of murder with the help of hooligans, in which, the petitioner is also one of the persons.

7.Considering the gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

09/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.KARNAN Advocate SR.No.3780

ORDER

IN

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Date :09/03/2018