



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4147 of 2018

S.MARIMUTHU

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
TUTICORIN DISTRICT.
(CR.NO.18 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KA.RAAMAKRISHINAN Advocate
For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

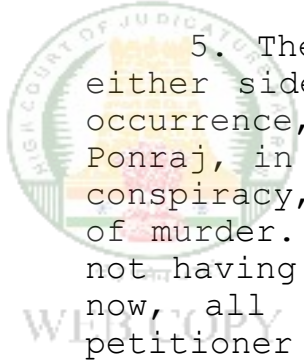
ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 26.01.2018 for the alleged offences punishable under Section Man Missing @ Sections 302, 120(b) and 109 of IPC., in Crime No.18 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Ponraj was missing from 06.01.2018 and hence a case for Man Missing was registered and subsequently he was found dead near Annai Mahal, Millerpuram, Tuticorin. Further investigation reveals that A1 & A2 are involved in the said murder case and they were arrested. Subsequently, based on their confession, this petitioner was implicated in this case as A3. Hence, the case has been registered against them for the above said crime.

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 totally there are 6 accused involved in this crime. According to prosecution, the investigation is in progress.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, due to previous enmity existing between A1, A2 and one Ponraj, in order to murder the said Ponraj, the accused persons made conspiracy, as a result of which the accused committed the offence of murder. As per the averment made in the FIR, this petitioner is not having any direct role in the alleged offence of murder. As of now, all the accused in this case are arrested. Moreover, the petitioner is in judicial custody from 26.01.2018. Thereby, considering the period of incarceration and also considering the role played by the petitioner in the alleged occurrence, 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 No.I, Tuticorin;
- (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 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/-
16/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to M/S.KA.RAAMAKRISHINAN Advocate SR.No.4220

ORDER

IN

CRL OP(MD) No.4147 of 2018

Date :16/03/2018

MKV-MT-PN-SAR 4/16.3.2018/3P-7C