



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

Friday, the Sixteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4203 of 2018

HARISH

... Petitioner/2nd Accused

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.558 OF 2017).

... Respondent/Complainant

For Petitioner : M/S.P.T.RAMESH RAJA, 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.2, who was arrested and remanded to judicial custody on 25.10.2017 for the alleged offences punishable under Sections 302, 380 and 307 of IPC., in Crime No.558 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.10.2017, the petitioner and other accused entered in to the beauty Parlour, which was run by the wife of the defacto complainant, assaulted her by using deadly weapons and caused her death. Thereafter, they robbed 7 sovereign of gold chain from her. 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 3 accused involved in this case. He further submitted that the



investigation is in progress and further he added that the petitioner has no previous case.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other two accused with intention to commit murder and robbery, entered into the beauty Parlour, which was run by the defacto complainant's wife and consequentially, during the time of occurrence, they stolen away 7 sovereigns of gold chain and committed the offence of murder. The petitioner is in judicial custody from 25.10.2017. According to the prosecution, the petitioner is not having any previous case. As of now, after completing the investigation, charge sheet has been filed before the Court concerned and the same has been taken on file as S.C.No.32 of 2018 before the District and Sessions Court and the same is pending. So, considering the fact that the petitioner is the first offender and also considering the period of incarceration, 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, Kovilpatti;
- (ii) the petitioner shall report before the respondent police daily twice at 10.00 a.m., and 05.00 p.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 /



TO

1 THE JUDICIAL MAGISTRATE NO.1,
KOVILPATTI,
THOOTHUKUDI.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE SUPERINDENT,
CENTRAL PRISON,
PALAYANKOTTAI.

4 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.4218.

ORDER

IN

CRL OP(MD) No.4203 of 2018

Date :16/03/2018

SDS/MM-PN/SAR.4/16.03.2018/3P/7C