



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

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4292 of 2018

ESAKKI MUTHU

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NORTH POLICE STATION, TUTICORIN DISTRICT,
(CRIME NO.37 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.RADHAKRISHNAN 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 :-

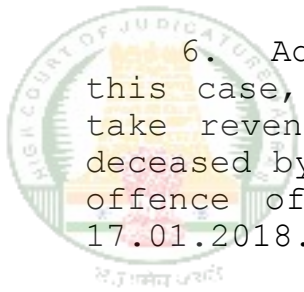
The petitioner, who is arrayed as accused No.3, was arrested and remanded to judicial custody on 17.01.2018 for the offences punishable under Sections 294(b), 302 and 506(ii) IPC in Crime No.37 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, the petitioner and other accused are said to have abused the deceased in filthy language and also assaulted the said deceased by using deadly weapons, thereby, caused on his death. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

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 17.01.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation is pending.

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



6. Admittedly, before the alleged occurrence, the deceased in this case, murdered one Senbagavalli and thereafter, in order to take revenge, the petitioner and other two accused assaulted the deceased by using knife and Aruval, thereby, they have committed the offence of murder. The petitioner is in judicial custody from 17.01.2018.

7. Considering the fact that the petitioner has committed the offence only after made conspiracy, this Court came to the conclusion that the custodial interrogation of the petitioner is very much necessary for completing the investigation. Further, if this type of petitioner is enlarged on bail, there may be a chance for tampering the witnesses and hampering the investigation. Hence, this Criminal Original Petition is dismissed.

sd/-
19/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
NORTH POLICE STATION, TUTICORIN DISTRICT.
- 2 THE OFFICER IN CHARGE, DISTRICT JAIL,
PERURANI, TUTICORIN DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4292 of 2018
Date :19/03/2018

MKV-PMI-SAR 4/5.4.2018/2P-4C