



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4518 of 2018

SUDHAKAR

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CRIME NO.18 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.C.SARAVANAKUMAR 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.4, who was arrested and remanded to judicial custody on 25.01.2018 for the alleged offences punishable under Section Man Missing @ 302 IPC., @ 120(B) & 302 IPC., r/w 109 IPC., in Crime No.18 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.01.2018, at about 08.00 a.m. the deceased, namely, Ponraj went from his house in ERTICA Car bearing Registration No.TN-69AJ-5505 and did not return back to home. Hence, initially, a man missing case was registered and thereafter, it was altered into 302 IPC., @ 120(B) & 302 IPC., r/w.109 IPC. After alteration of the FIR, the first accused voluntarily surrendered before the respondent police and gave confession. Based on his confession, this petitioner has been implicated in this case as fourth accused.

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. He further submitted that the petitioner is in judicial custody from 25.01.2018. 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 six



accused are involved in this case. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that the petitioner is arrayed as fourth accused in this case. The petitioner is the relative of the deceased as well as the first accused in this case. After made conspiracy with A1 to A3, as per the instruction given by A1, the petitioner along with other accused committed the murder of the said Ponraj. Now, the petitioner is in judicial custody from 25.01.2018. Further, the petitioner is not having any previous case. As of now, a portion of the investigation is completed. Therefore, considering the period of incarceration, further detention is not necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner, with certain 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, Thoothukudi;
- (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/-
22/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER IN CHARGE, DISTRICT PRISON,
PERURANI, THOOTHUKUDI DISTRICT.

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

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

+1. CC to M/S.C.SARAVANAKUMAR Advocate SR.No.4606

ORDER

IN

CRL OP(MD) No.4518 of 2018

Date :22/03/2018

MKV-PN-SAR 1/22.3.2018/3P-7C