



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17076 of 2017

CHELLADURAI

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
KURANGANI POLICE STATION, THENI DISTRICT.
(CRIME NO.74 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.F.DEEPAK Advocate

For Respondent : MR.K.S.DURAI PANDIAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

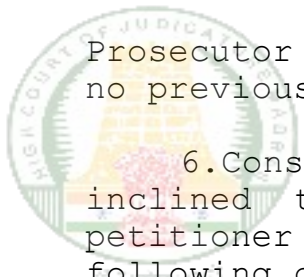
The petitioner / A3, who was arrested on 15.10.2017 for the offence punishable under Section 302 IPC r/w 109 IPC in Crime No.74 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, A1 along with other accused attacked the deceased with aruval and murdered him.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that based on the confession statement of A1, this petitioner has been implicated as accused in this case.

4.The learned Additional Public Prosecutor submitted that the petitioner is not having any previous case and investigation is still pending.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Section 302 r/w 109 IPC and he is in judicial custody from 15.10.2017. Even though the investigation is pending, considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the investigation. So, considering the period of incarceration of the petitioner, the contention made by the learned Additional Public



Prosecutor need not be considered. Admittedly, the petitioner has no previous case.

6. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioner. 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, Bodi, Theni District.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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/-

03/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE,
KURANGANI POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.F.DEEPAK Advocate SR.No.71

ORDER IN
CRL OP(MD) No.17076 of 2017
Date :03/01/2018