



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.18029 of 2017

1 P.MARUTHUPANDI
2 R.MANIKANDAN

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 645 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioners: M/S.I.PINAYGASH, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

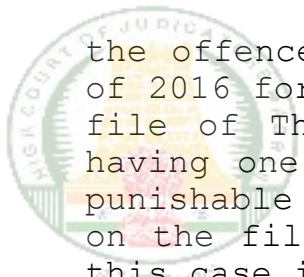
ORDER : The Court Made the following order :-

The petitioners / A1 & A2, who were arrested on 03.07.2017 for the offence punishable under Sections 302, 201, 187 and 342 IPC in Crime No.645 of 2017 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to business motive, de facto complainant's husband was murdered in a suspicious manner and kept the dead body in a gunny bag.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are no way connected with the alleged occurrence.

4.The learned Additional Public Prosecutor submitted that the first petitioner is having 8 previous cases in Crime No.1100 of 2017 for the offence punishable under Sections 120(b), 324, 506(ii) IPC on the file of C1 Theedir Nagar Police Station, Crime No.845 of 2004 for the offences punishable under Sections 147, 148, 302 IPC, Crime No.29 of 2010 for the offences punishable under Section 110 Cr.P.C., Crime No.628 of 2012 for the offences punishable under Sections 341, 307 IPC, Crime No.198 of 2013 for the offences punishable under Section 110 Cr.P.C., Crime No.527 of 2013 for the offences punishable under Sections 392 r/w 397, 506 (ii) IPC, Crime No.198 of 2015 for



the offences punishable under Section 110 (e) Cr.P.C., Crime No.391 of 2016 for the offences punishable under Section 107 Cr.P.C. on the file of Therku Vasal Police Station and the second petitioner is having one previous case in Crime No.230 of 2010 for the offences punishable under Sections 147, 148, 449, 341, 324, 307 and 302 IPC on the file of V2 Avaniyapuram Police Station and investigation in this case is still pending.

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5. Considering the submissions made on either side, it seems that the petitioners were remanded to judicial custody for the offences punishable under Sections 302, 201, 187 and 342 IPC and they are in judicial custody from 03.07.2017 onwards. After completing investigation, charge sheet has been filed and the same was committed to the Court of Sessions. Accordingly, further custodial interrogation is not necessary. However, on going through the particulars submitted by the learned Additional Public Prosecutor, it would appear that the petitioners are having previous cases. Considering the number of previous cases pending against the petitioners, it is made clear that the petitioners are habitual offender. Therefore, if this type of accused are released on bail there will chance to tamper the witness.

6. Considering the above facts and circumstances, this Court is not inclined to grant bail to the petitioners at this stage. Accordingly, this petition is dismissed.

sd/-
04/01/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI DISTRICT.
 2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- +1. CC to M/S.I.PINAYGASH Advocate SR.No.109

ORDER
IN
CRL OP(MD) No.18029 of 2017
Date : 04/01/2018

MS/PN/SAR.2/09.01.2018/2P.5C