



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

Saturday, the Twenty Eighth day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.7287 of 2018

VAITHIYALINGAM

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP. BY
THE INSEPCTOR OF POLICE,
D2 SELLUR POLICE STATION,
MADURAI CITY, MADURAI.
CRIME NO.491/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.ANTONY ARUL RAJ Advocate

For Respondent : M/S. A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 10.04.2018 for the offences under Sections 341, 342, 398 and 307 of I.P.C. Subsequently, the same was altered into under Section 341, 342, 398 & 307 of I.P.C read with 109 of IPC @ 341, 342, 398, 302 r/w 109 of I.P.C

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl side) appearing for the respondent.

3.The case of the prosecution on 09.04.2018 is that the principal accused namely Dilipan and Stalin had taken a transgender by name Aphonsa @ Malika to the room in the lodge running by the petitioner herein and inflicting fatal injuries. The said Aphonsa subsequently died. Therefore, the de facto complainant in this case viz., one Mary, who is the sister of the said Aphonsa, lodged a complaint and First Information Report was also filed. This Court went through the content of the First Information Report, which was registered based on the information given by the said Aphonsa. The said Aphonsa impleads only Stalin and Dilipan as accused. This Court went through the contents of the remand also. The only allegation made against the petitioner is that he had given a room for hire to the principal accused without verification of documents.



Since the petitioner does not appear to play any role in the commission of Crime in question. Hence, this Court is inclined to enlarge the petitioner on bail 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned District and Sessions Judge, Madurai.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) 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/-

28/04/2018

/ TRUE COPY /

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

TO

1 THE DISTRICT SESSIONS JUDGE,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSEPCTOR OF POLICE,
D2 SELLUR POLICE STATION,
MADURAI CITY, MADURAI.

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

+1. CC to M/S.T.ANTONY ARUL RAJ Advocate SR.No.7765.

ORDER

IN

CRL OP(MD) No.7287 of 2018

Date :28/04/2018