



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

Tuesday, the Sixteenth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CRL OP (MD) No.18710 of 2018

MACHARAJAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.223 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.RAVI, Advocate

For Respondent : MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor

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

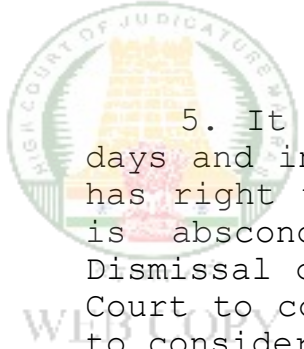
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 20.07.2018 for the offence punishable under Sections 109, 294(b), 302 and 341 I.P.C. in Crime No.223 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner had developed suspicion over the conduct of his wife with the deceased. On 19.07.2018, the deceased with his wife went to Vadippatti in a two wheeler, the petitioner waylaid the deceased and the de-facto complainant and assaulted the deceased with aruval. The deceased succumbed to injuries. Hence, the case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and there is no specific overt act attributed to this petitioner. He further submitted that the petitioner is in incarceration from 20.07.2018 onwards. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is pending and the 2nd accused is absconding.



5. It is stated that the accused has been incarceration for 87 days and investigation has not yet been completed. The Trial Court has right to consider the case after 90 days. However, 2nd accused is absconding and hence this bail application is dismissed. Dismissal of this bail application should not be a bar to the trial Court to consider statutory bail and the trial Court is at liberty to consider the bail application.

sd/-
16/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE,
SOLAVANTHAN POLICE STATION, MADURAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.J.ANANDKUMAR Advocate SR.No.19807

ORDER
IN
CRL OP(MD) No.18710 of 2018
Date :16/10/2018

MS/PN/SAR-2/16.10.2018/2P.7C