



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22961 of 2018

R.NANDAKUMAR

... PETITIONER / ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.
(IN CRIME NO.246/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

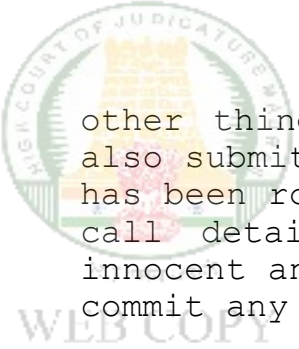
ORDER : The Court Made the following order :-

The petitioner is remanded to judicial custody in Crime No.246 of 2018 on the file of the respondent police for the offences punishable under Section 302 IPC and he seeks bail.

2. The case of the prosecution is the petitioner is the aunt's son of the deceased and both loved each other. Since the parents of the deceased did not accede to their love affair, they made marriage arrangements for the deceased with some other person. On 1.11.2018, near the Cauvery river Bank, the respondent police received an information that the deceased is found dead by one Gunasekaran, Assistant to the Village Administrative Officer. Therefore, a complaint was registered.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] for the respondent State.

4. According to the petitioner, the deceased made a phone call to the petitioner and asked him to drop her in the school. Therefore, the petitioner took the deceased in his two wheeler and dropped her in the school. Apart from that, he is not aware of the



other things that have taken place at the time of occurrence. He also submitted that there is no eye witness to the occurrence and he has been roped in this case only based on the CCTV footage and phone call details. Therefore, the petitioner submits that he is an innocent and he has been falsely implicated in this case and did not commit any offence as alleged by the prosecution.

5. The learned Government Advocate [Criminal Side] would submit that the investigation of the case is almost completed and the viscera report alone is awaited. The petitioner was arrested on 01.11.2018 and he has been in jail for the past 57 days.

6. This Court has considered the submissions made by the learned counsel on either side and perused the records carefully. From the records it is seen that the prosecution has developed the case with four eye witnesses, as if four persons have witnessed the petitioner stabbing the deceased on the date of occurrence. These eye witnesses have been examined only after a considerable number of days. There is no immediate eye witness to state about the occurrence and the four eye witnesses have also not spoken about the occurrence. There are also no materials to fix the petitioner as if he is known to the eye witnesses and no identification parade was conducted.

7. Considering the above facts and taking into consideration that the petitioner is in jail for the past 57 days, 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:

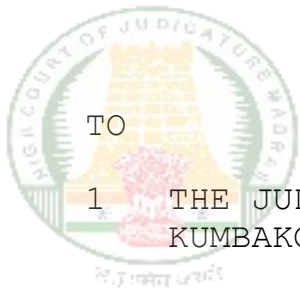
(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam and

(ii) the petitioner shall appear before the respondent police daily twice (i.e.,) in the morning and evening until further orders.

sd/-
27/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO I
KUMBAKONAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

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

+1. CC to MR.P.GANAPATHI SUBRAMANIAN Advocate SR.No.24065

ORDER

IN

CRL OP (MD) No.22961 of 2018

Date :27/12/2018

MSI/VR/SAR-I/28.12.2018-3P/7C