



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22982 of 2018

K. MANOJ

... PETITIONER / ACCUSED No. 2

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 572 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.JAYARAMACHANDRAN Advocate

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

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

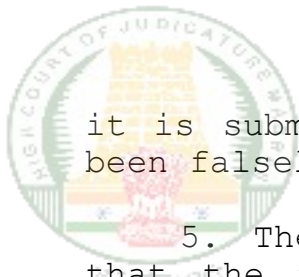
ORDER : The Court Made the following order :-

The petitioner is remanded to judicial custody in Crime No.572 of 2018 on the file of the respondent police for the offences punishable under Sections 147, 148, 302, 506(ii) and 109 of IPC and he seeks bail.

2. The case of the prosecution is that on 13.11.2018 due to previous enmity, the *de facto* complainant's wife has been attacked by the petitioner along with other accused persons and as a result of which the wife of the *de facto* complainant died on the spot.

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

4. According to the learned counsel for the petitioner, the petitioner herein has been arrayed as accused No.2. He was the driver, who took the accused to the place of occurrence. There is no specific overt act as against the accused and there is no material available as on date as to whether the accused was aware of the occurrence and whether he took the accused to the place of occurrence, knowing that the accused would commit murder. Therefore,



it is submitted that the petitioner herein is innocent and he has been falsely implicated in this case by the respondent police.

5. The learned Government Advocate [Criminal Side] submitted that the petitioner was arrested on 15.11.2018 and he has been inside the jail for the past 53 days. All the accused have been arrested and the investigation of the case is almost over and the viscera report is awaited.

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 *de facto* complainant being a money lender has asked the petitioner to repay the loan amount borrowed by A1 and since A1 was not at home, the *de facto* complainant along with his wife had instructed the petitioner to repay the amount in time. Having grudge over the same, on 13.11.2018, A1 contacted the *de facto* complainant's wife over phone and asked her to visit Thirukkan bus stop in order to receive the money. When the *de facto* complainant along with his wife came to the bus stop, the son of the petitioner/A1 along with the other accused alleged to have attacked the deceased with aruval and knife and she died on the spot. Thereafter, the accused was arrested on 15.11.2018 and remanded to judicial custody.

7. Considering the above facts and since there is no specific overt act as against the accused and the petitioner has been in jail for the past 53 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, Vendasandur and

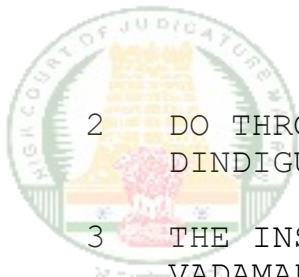
(ii) the petitioner shall appear before the respondent police daily twice (i.e.,) in the morning and evening until further orders.

sd/-
27/12/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

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

+1. CC to MR.A.JAYARAMACHANDRAN Advocate SR.No.24039

ORDER
IN
CRL OP(MD) No.22982 of 2018
Date :27/12/2018

MSI/PN-AC/SAR-III/28.12.2018-3P/7C