



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

Wednesday, the Twenty Sixth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.15760 of 2018

1 BALASUBRAMANIAN
2 MUNISAMAY

... PETITIONERS /ACCUSED A1 AND A2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MANDALAMANICKAM POLICE STATION,
KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.
CRIME NO.51 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.BABU JAGANATH Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 07.08.2018 for the offence punishable under Sections 302 and 201 of IPC in Crime No.51 of 2018, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that the first and second accused had killed the deceased and burnt the body in the burial ground. Hence, the complaint.

3.The learned counsel for the petitioners would submit that as far as the second petitioner is concerned this petition was dismissed as withdrawn by an order dated 12.09.2018. The deceased used to come to home daily in drunken mood and beat the A-1 and his brother. Therefore, on 06.08.2018, the first and second accused murdered the deceased and burnt the body in the burial ground.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the second accused already detained under Goonda's Act, first petitioner, who is none other than the father of the deceased himself stated that he had murdered the deceased and burnt the body. Therefore, he opposed to grant of bail to the first petitioner.



5. On the confession of the first accused, the case has been registered for the offence under Sections 302 and 201 of IPC. Therefore, the first petitioner was arrested and remanded into judicial custody on 07.08.2018.

6. Considering the facts and circumstances of the case and also considering the period of incarceration of the first petitioner from 07.08.2018. As such, this Court is inclined to grant bail to the first petitioner. Accordingly, the first petitioner is ordered to be released on bail subject to the following conditions:

(i) the first 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 Court, Kamuthi, Ramanathapuram District.

(ii) the first petitioner shall appear before the respondent police daily at 10.30 a.m until further orders;

sd/-
26/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KAMUTHI,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, RAMNAD.
4. THE INSPECTOR OF POLICE,
MANDALAMANICKAM POLICE STATION,
KAMUTHI TALUK, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.BABU JAGANATH Advocate SR.No.18259

ORDER
IN
CRL OP(MD) No.15760 of 2018
Date :26/09/2018

MS/VR-MMS/SAR-4/26.09.2018/2P.7C