



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

Wednesday, the Tenth day of October Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.16100 of 2018

VELMURUGAN

... PETITIONER / 2nd ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.93/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK 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 petitioner is in judicial custody since 18.07.2018, for the offences punishable under Sections 342 & 302 of IPC in Crime No.93 of 2018 on the file of the respondent police. He seek bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.The case of the prosecution is that the Accused No.1 is the wife of the deceased. The petitioner/Accused No.2 is the brother of the deceased. A1 and A2 are having illegal intimacy and when the deceased entered into the house, he seen their illegal intimacy. Therefore, due to the said motive, the A1 and A2 on 17.07.2018 at about 2.30 a.m. attacked the deceased by aruval and iron rod and murdered him.

4.The learned counsel for the petitioner would submit that the deceased suspected his wife and her fidelity that too with his own brother. Therefore, due to sudden provocation she attacked the deceased. Unfortunately, he died. As far as the second accused is concerned, he is none other than the own brother of the deceased. The deceased also suspected his own brother. Therefore, they have been arrested and remanded to judicial custody on 18.07.2018.



5. The learned Additional Public Prosecutor, would submit that the deceased was brutally attacked by his wife and own brother. Therefore, he vehemently opposed to grant bail to the petitioner. Further, he submitted that the investigation has been completed.

6. It is seen that since the deceased suspected the fidelity of A1, there was a wordy quarrel arose between them. At that time when she attacked the deceased, unfortunately, he died. Considering the above facts and circumstances and period of incarceration, 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, Kamuthi.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further order.

sd/-

10/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.19377

ORDER

IN

CRL OP(MD) No.16100 of 2018

Date :10/10/2018

JM/PN/SAR 1/10.10.2018/2P/7C