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

Tuesday, the Eighteenth day of September Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.16683 of 2018

ARUN ... PETITIONER / ACCUSED NO.5

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
KOVILANKULAM POLICE STATION,
RAMANATHAPURAM.
IN CRIME NO.37 OF 2018 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.A.ANANDHAN, 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 21.07.2018 for the offences punishable under Sections 147, 148 and 302 of IPC @ into under Sections 147, 148 and 302 r/w Section 120(b) of IPC in Crime No.37 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 11.07.2018, one Muniyasamy along with his wife and son Nagamani went to their native village Veppankulam to celebrate Eruthukattu festival. Later on 12.07.2018, the villagers found that their son Nagamani has been killed by somebody and lying in Karuvel Forest. Hence, the complaint.

3. As per the confession of first accused, the overt act as against the petitioner is concerned, the petitioner one-Arun watching on the road and also directed by the first accused, to inform if anybody comes on that road.

4. The learned counsel for the petitioner would submit that only on confession of A-1, the petitioner arrayed as A-5, he was arrested and remanded into judicial custody on 21.07.2018 itself. He would further submit that the petitioner is an innocent person and he has nothing to do with the crime as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

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5. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 14 accused. The

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deceased Nagamani is nothing but an accused of murdering the close friend of the first accused. Therefore, all the accused persons planned and during the festival of Eruthukattu on 11.07.2018, at morning, the first accused and others attacked him with aruval and the deceased died on the spot. He would further submit that the investigation is pending and there are awaiting the postmortem report. Further he contended that A-3 and A-4 are still absconding, not arrested.

6.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner from 21.07.2018. As such, this Court is inclined to grant bail to the petitioner/Accused No.5. Accordingly, the petitioner/Accused No-5 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 Cum Munsif Court, Kamuthi.

(ii)the petitioner shall appear before the Sivakangai Town Police Station daily at 10.30 a.m. until further orders;

sd/-
18/09/2018

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

TO
1. THE JUDICIAL MAGISTRATE CUM MUSIF, KAMUTHI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
   RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,SUB PRISON,
   RAMANATHAPURAM.
4. THE SUB INSPECTOR OF POLICE
   KOVILANKULAM POLICE STATION, RAMANATHAPURAM.
5. THE INSPECTOR OF POLICE,
   SIVAKANGAI TOWN POLICE STATION.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
   MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.A.ANANDHAN Advocate SR.No.17693

ORDER IN
CRL OP(MD) No.16683 of 2018
Date :18/09/2018

**MS/VR-MMS/SAR-2/18.09.2018/2P.8C**

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