



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

Friday, the Fifth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.17173 of 2018

BALASUBRAMANIAN @ BALA

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.150 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.THIRUVADI KUMAR, 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 07.08.2018 for the offence punishable under Section 302 of IPC, in Crime No.150 of 2018 on the file of the respondent police. He Seeks bail.

2. The case of the prosecution is that A1's mother had developed illegal intimacy with the deceased Selvaraj. This was warned by A1 and his father. In spite of the same, the mother of A1 continued to have illegal intimacy with the deceased and therefore on 02.08.2018, A1 along with two other persons are said to have done to death the deceased person. On the same day the Village Administrative Officer had given a complaint to the respondent police which was registered in Crime No. 150 of 2018 under section 174 of Cr.P.C and later the same was altered to Section 302 of IPC and three persons have been made as accused persons in this case. The petitioner was arrested on 07.08.2018 and was remanded to judicial custody.

3. The learned counsel for the petitioner would submit that the petitioner has been roped in as accused only based on circumstantial evidence and the police have ascribed motive on the petitioner only on the ground that the petitioner warned the deceased person on an earlier occasion, when the deceased continued to have illegal intimacy with the mother of A1. He would



further submit that the petitioner is in judicial custody for morethan 55 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other persons have done to death the deceased person with a clear motive. The deceased person was warned by A1 on earlier occasion and therefore there is very strong ground on the side of the prosecution to make this petitioner as accused and the petitioner had committed offence with the help of his two friends who have been arrayed as A2 and A3. He would further submit that the investigation is almost completed and the respondent police is awaiting for chemical report.

5. This Court has carefully considered the submissions made on either side.

6. In this case the incident is said to have taken place on 02.08.2018 and the petitioner was arrested on 07.08.2018. The petitioner has been made as accused by the prosecution mainly on the ground that there is a motive for the petitioner to commit the offence and the petitioner has earlier warned the deceased person to stop continuing with the illegal intimacy with his mother.

7. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, and that the investigation is almost completed, 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, Sivakasi

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

sd/-
05/10/2018

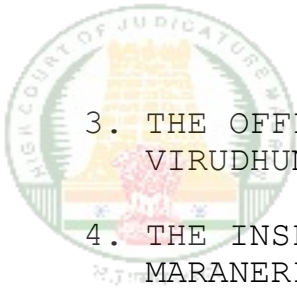
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.



3. THE OFFICER INCHARGE, DISTRICT JAIL,
VIRUDHUNAGAR.

4. THE INSPECTOR OF POLICE,
MARANERI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR.A.THIRUVADI KUMAR Advocate SR.No.18942

ORDER

IN

CRL OP (MD) No.17173 of 2018

Date :05/10/2018

MS/PN/SAR-4/05.10.2018/3P.7C