



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.17183 of 2018

ILAYARAJA @ CHITAPPA

... PETITIONER / ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KOVILANKULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO.37 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.A.JINNAH, Advocate

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

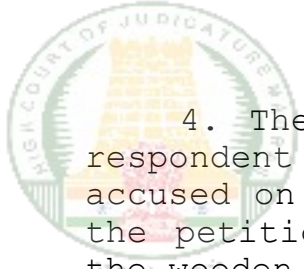
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 23.07.2018 for the offence punishable under Sections 147, 148, 120(b) and 302 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 at about 04.30 p.m, due to previous enmity between the petitioner, A-1 to A4 and the deceased Nagamani in connection with the murder of one Duraipandi, who is the close friend and relative of the first and second accused, the petitioners along with other accused having conspired together and unlawfully assembled with deadly weapons and also attacked the deceased and therefore, he died on the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as 7th accused and his name is not found in the First Information Report. Only on the confession of the first accused he arrayed as an accused and as far as the petitioner is concerned there is no specific overt act. Further he would submit that A-5 and A-8 are released on bail by this Court in Crime.No.37 of 2018. He would also submit that the petitioner arrested and remanded into judicial custody on 23.07.2018.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has been arrayed as an accused on the confession of first accused. As per the confession, the petitioner is having specific over act, that he attacked with the wooden rod on the face of the deceased.

5. Considering the facts and circumstances of the case, this Court also enlarges the petitioners A-5 and A-8 on bail and considering the period of incarceration of the petitioner from 23.07.2018. As such, 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, Mudukulathur.

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

sd/-

26/09/2018

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

TO

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

+1. CC to Mr.S.M.A.JINNAH Advocate SR.No.18353

ORDER IN

CRL OP(MD) No.17183 of 2018

Date :26/09/2018