



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

Monday, the Twenty Second day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP (MD) No.17581 of 2018

ALAGUPANDI

... PETITIONER / NO.1 ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR NO.1/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVANAYAGAM Advocate

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

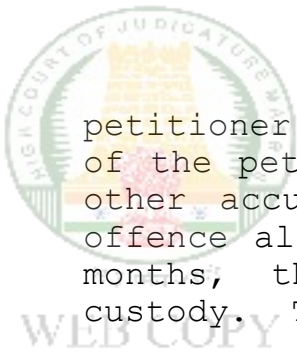
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 21.08.2018 for the offences punishable under Section 302 of I.P.C., in crime No.1 of 2018, on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 12.01.2018, one male body was found in the East Sadichiyurani Kammaikarai and on complaint, a case has been registered in crime No.1 of 2018 for the offence under Section 302 of I.P.C. On the basis of his confession statement of the petitioner, it was revealed that the petitioner and other accused persons, on 12.01.2018 at about 03.00 a.m., entered into the deceased's house and murdered him and hence, he was arrested was arrested and remanded to judicial custody on 21.08.2018.

3.The learned counsel appearing for the petitioner would submit that the deceased had already involved in several cases including a rape case. He was detained as Goonda and subsequently, the same was set aside by this Court vide order dated 11.04.2017 in H.C.P.(MD) No.1485 of 2016. The entire case is on suspicious aspect. The



petitioner has roped into the crime. Except the confession statement of the petitioner, no other evidence to connect the petitioner and other accused in this crime. He would further submit that the offence allegedly took place on 12.01.2018 and after a period of 7 months, the petitioner was arrested and remanded to judicial custody. Therefore, he sought for bail.

4.The learned Additional Public Prosecutor would submit that there are materials to connect the accused in the crime and the petitioner is having several previous cases and he was detained as Goonda and hence, he vehemently opposed the grant of bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court find that except the confession statement of the petitioner, no other evidence to show to connect the accused in this crime and considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6.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, Vilathikulam;

(ii) the petitioner shall appear before the Inspector of Police, Othakadai Police Station, Madurai daily at 10.30 a.m. until further orders.

sd/-
22/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI DISTRICT.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TUTICORIN.

3 THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI.



5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to M/S.D.SELVANAYAGAM Advocate SR.No. 19949

ORDER
IN
CRL OP (MD) No.17581 of 2018
Date :22/10/2018

JM/PN/SAR 1/22.10.2018/3P/8C