



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

Tuesday, the Eighth day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.22953 of 2018

1 S. APPU @ SARAVANAN  
2 B. DHANAPAL  
3 D. SURESH  
4 S.SATHISH

... PETITIONERS / ACCUSED  
Nos.1 to 4

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
WORAIYUR (L & O) POLICE STATION,  
TRICHY CITY.  
Crime No.737 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.DEENADHAYALAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI  
Govt. Advocate ( Crl. Side)

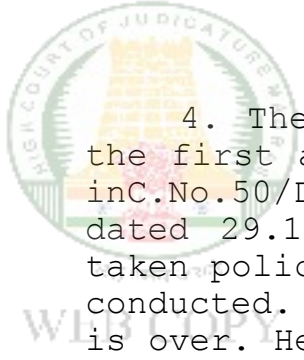
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

**ORDER :** The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 22.10.2018 for the offences punishable under Section 302 of IPC in Crime No.737 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.10.2018, the defacto complainant took the auto and not returned home till 06.00 p.m. on 19.10.2018, the defacto complainant was informed that her husband was dead and she immediately rushed to the spot and identified her husband.

3. The learned counsel for the petitioners would submit that there was money transactions between the first accused and the deceased and since the money was not returned back, the petitioners have been implicated in this case. He would also submit that the petitioners voluntarily surrendered before the learned Judicial Magistrate, Ariyalur on 22.10.2018.



4. The learned Government Advocate(Crl.Side) would submit that the first and second petitioner were detained under Act-14 of 1982 in C.No.50/Detention/C.P.O/T.C/2018, C.No.50/Detention/C.P.O/T.C/2018, dated 29.12.2018. He would also submit that the petitioners were taken police custody for two days and identification parade was also conducted. He would also submit that major part of the investigation is over. He would submit that these petitioners have helped the main accused in disposing the dead body.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners and also the fact that A1 and A2 were detained under Act-14, this Court is inclined to grant bail to the third and fourth petitioners.

6. Accordingly, the third and fourth petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichirapalli and on further condition that:

[a] the third and fourth petitioners shall report before the Somarasampettai police station daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the third and fourth petitioners shall not abscond either during investigation or trial.

[c] the third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the third and fourth petitioners in accordance with law as if the conditions have been imposed and the third and fourth petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. As the first and second petitioners have been detained under Act-14, this petition is dismissed as against the first and second petitioner.

sd/-  
08/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE IV  
TRICHIRAPALLI.

2. THE CHIEF JUDICIAL MAGISTRATE,  
TRICHIRAPALLI DISTRICT.

3. THE INSPECTOR OF POLICE,  
WORAIYUR (L & O) POLICE STATION, TRICHY CITY.

4. THE INSEPCTOR OF POLICE,  
SOMARASAMPETTAI POLICE STAION,  
SOMARASAMPETTAI.

5. THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

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

+1. CC to Mr.S.DEENADHAYALAN Advocate SR.No.386

ORDER

IN

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Date :08/01/2019

TK/VR/SAR-1/08.01.2019/3P/8C