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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11185 of 2019

Mohamed Faisal

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Kottar Police Station,
Through Public Prosecutor at Nagercoil,
Kanyakumari District
(Crime No.219 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.Krishnan,
Advocate.

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

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

PRAYER :-

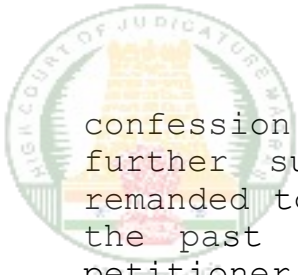
For Bail in Crime No.219 of 2019 on the file of the respondent

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.3 seeking bail for the alleged offence under Sections 302 and 201 of IPC @ 302,201 of IPC @ 120(b),364,302,201 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that in the First Information Report the name of the petitioner has not been mentioned and only based on the confession given by A2, the petitioner herein has been implicated in the above case and there is no material to link the petitioner in the above crime except the



confession statement given by A2 before the respondent police. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 09.06.2019 and he is in custody for the past 60 days. Therefore he prayed to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that the deceased is having illegal intimacy with the sister of A1 and hence A1 and other accused have conspired together and in pursuance of the said conspiracy on 05.06.2019 at about 06.30a.m., the accused persons kidnapped the deceased and murdered and thereafter they purchased petrol and poured on the body of the deceased and set fire. He further submitted that during investigation A2 was arrested and he voluntarily gave a confession statement in which he has stated that the petitioner herein has poured petrol on the body of the deceased and set fire. He further submitted that based on the said confession, the petitioner herein was arrayed as accused and he was arrested on 08.06.2019 and when he was enquired he voluntarily gave a confession admitting the said offence and in pursuance of the said confession, petrol can was also seized. He further submitted that investigation is not yet completed. Hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that even though the name of the petitioner has not been mentioned in the First Information Report, based on the confession given by A2, the petitioner herein has been arrayed as accused and subsequently he was arrested on 08.06.2019 and based on the confession given by the petitioner, a can which was said to have used for fetching petrol has been seized, which shows that the petitioner also involved in the above case and also the fact that the investigation is not yet completed, this Court is not inclined to grant bail to the petitioner.

6. Hence this petition is dismissed.

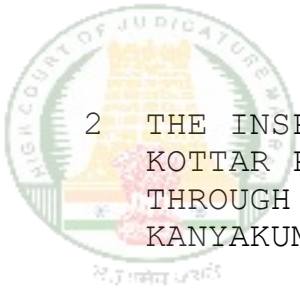
sd/-
08/08/2019

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

TO

1 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.



2 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
THROUGH PUBLIC PROSECUTOR AT NAGERCOIL,
KANYAKUMARI DISTRICT

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

ORDER

IN

CRL OP (MD) No.11185 of 2019

Date : 08/08/2019

AAV

ES/JC/SAR 3/14.08.2019/3P/4C