



CRL OP(MD). No.12026 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12026 of 2019

Mohamed Fazil

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.219 of 2019)

... Respondent/Complainant

For Petitioner : M/S.G.Aravinthan,
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 police.

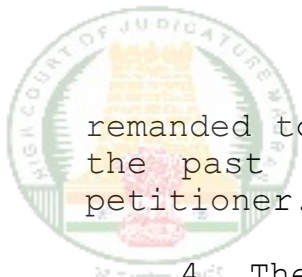
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.3 seeking bail for the alleged offence under Sections 302 and 201 of IPC @ 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 line 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

<https://hcservices.ecourts.gov.in/hcservices/>



remanded to judicial custody on 09.06.2019 and he is in custody for the past 82 days. Therefore he prayed to grant bail to the petitioner.

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 committed the murder of the deceased and in pursuance to 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 09.06.2019 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 based on the confession given by A2, the petitioner herein has been arrayed as accused and also the fact that the petitioner is in custody for the past 82 days and also the fact that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner.

[a] the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Nagercoil.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].



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

sd/-
30/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.ARAVINTHAN Advocate SR.No.14546

ORDER
IN
CRL OP(MD) No.12026 of 2019
Date :30/08/2019

MS/VR/SAR-3/30.08.2019/3P.7C