



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

Date : 11/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.19986 of 2022

Gopalakrishnan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City, Madurai.
In Crime No.251 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Niranjan S.Kumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

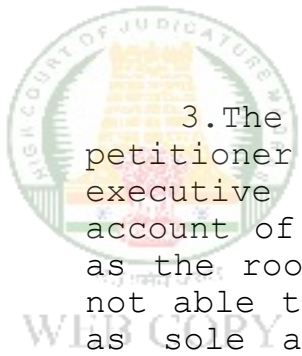
PRAYER :-

For Bail in Crime No. 251/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 11.07.2022 for the offences punishable under Section 174 of IPC @ Sections 302 and 380 of IPC in Crime No.251 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.07.2022, the petitioner due to his business, had booked a room in the Raghu Lodge and he had stayed there. The petitioner/accused, checked out from his room at about 3.30 p.m and had went to rest room. Thereafter, the petitioner had returned to the lobby and had strangulated the neck of the manager, who was sleeping at the reception. After committing murder, he had taken away a gold chain weighing about 4 sovereigns and two rings weighing of 1 ½ sovereigns and fled from the scene of occurrence. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is the resident of Rajasthan and he is marketing executive and he frequently visited Madurai for his business. On account of his business purpose, he used to stay in the Raghu Lodge as the room rent is very cheap. Since the respondent police was not able to trace the real accused, they have added the petitioner as sole accused, taking advantage of that he hails from other states. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Further, the petitioner is in judicial custody from 11.07.2022 and the investigation in this case has been completed and charge sheet has also been filed before the concerned Court. Hence he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that, it is a case of murder for gain and the investigation in this case has been completed and charge sheet has also been filed and the same was taken cognizance in PRC.No.319 of 2022 by the learned Judicial Magistrate No.V, Madurai and the same was committed before the learned Principal District and Sessions Judge, Madurai. He would further submitted that, now, the case is pending for issuing committal proceedings on the file of the learned Principal District and Sessions Judge, Madurai. Moreover, the petitioner is the resident of Rajasthan State. If he is released on bail, there is a possibility of absconding. Hence, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the offences alleged to have been committed by the petitioner are serious in nature and also the objection raised by the prosecution, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed. However, the learned Principal District and Sessions Judge, Madurai, is directed to complete the committal proceedings and thereafter, the concerned Court is directed to complete the trial and dispose the case, within a period of three months, from the date of receipt of a copy of this order. If the trial Court fails to complete the trial, within the time specified by this Court, the petitioner is at liberty to approach this Court for considering bail application.

sd/-

11/11/2022

/ TRUE COPY /

/12/2022

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



TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI CITY, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19986 of 2022
Date :11/11/2022

cp
USK/BUC/SAR-III/08.12.2022/3P/5C