



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

Thursday, the Nineteenth day of December Two Thousand Thirteen
PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) Nos.22861 & 23039 of 2013

1 SIVA KUMAR

2 SATHISH

... PETITIONERS/ACCUSED No.2 & 5
IN CRL OP(MD)No.22861 of 2013

ARUNKUMAR

... PETITIONERS/ACCUSED No.3
IN CRL OP(MD)No.23039 of 2013

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO.266/2013

... RESPONDENT / COMPLAINANT
SAME IN BOTH CASES

For Petitioner : M/S.T.SENTHIL KUMAR Advocate
IN CRL OP(MD)No.22861 of 2013

For Petitioner : M/S.N.ANANDA KUMAR Advocate
IN CRL OP(MD)No.23039 of 2013

For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl. Side)
IN BOTH CASES

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

ORDER : The Court Made the following order :-

There are totally five accused in this case and the petitioners in Crl.O.P(MD)No.22861 of 2013, who are arrayed as A-2 & A-5 were arrested and remanded to judicial custody on 08.11.2013 and the petitioner in Crl.O.P(MD)No.23039 of 2013, who is arrayed as A-3 was arrested and remanded to judicial custody on 03.12.2013 for the alleged commission of offences punishable under Sections 147, 148, 294(b) and 302 of I.P.C., in Crime No.266 of 2013 on the file of the respondent police seek bail.

2. The case of the prosecution is that on 01.11.2013 at about 9.15 p.m., all the accused were in an inebriated condition. There was a wordy altercation and the de-facto complainant was attacked and at that time, Manohar(since deceased) came and made an attempt to rescue him and at this juncture, A-2 Sivakumar and A-3 Arunkumar have caught hold the deceased and A-1 inflicted him stab injury and consequently, he died.

3. The learned counsel for the petitioners/accused Nos.2 and 5, in Crl.O.P(MD)No.22861 of 2013 would submit that even as per the version of the prosecution, the first petitioner/A-2 is said to have caught hold the deceased and the second petitioner/A-5 is said to have pushed down the de-facto complainant.

