



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

Friday, the Twentieth day of December Two Thousand Thirteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.23205 of 2013

WEB COPY

1 GNANASEKARAN
2 RAMAR
3 MANI

... PETITIONER/ ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
C5-KARIMEDU POLICE STATION (L&O),
MADURAI, CRIME NO.1388/2013

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VEERA KATHIRAVAN Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

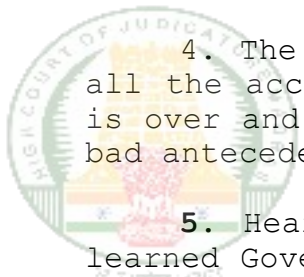
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 and arrested and remanded to the judicial custody by the respondent police on 12.11.2013 for the alleged commission of offences punishable under Sections 341, 342 and 302 of IPC, said to have been committed on 12.11.2013, in Crime No.1388 of 2013 on the file of the respondent police, seek bail.

2. The defacto complaint is the daughter-in-law of the first petitioner and wife of the deceased. A perusal of the F.I.R. would disclose that the defacto complainant belongs to some other caste and her husband belongs to some other caste and it was a love marriage and out of the marriage a female child was begotten. The defacto complainant's husband already married twice and got divorce and though he was employed as a constable, did not pursue his job and used to drink often and used to lead wavered life and unable to bear it, she with her daughter, started living in the first petitioner/father-in-law's house and that the deceased used to have altercation with her father-in-law, demanding partition of the property. On 09.11.2013, the husband of the defacto complaint came with a knife and started threatening the defacto complainant for partition. Thereafter, he went away. Again the husband of the defacto complainant came on 12.11.2013 at 1.30 a.m. and started demanding partition and unable to bear with the same, accused No.1 and his friends viz. A2 and A3 chased him and repeatedly attacked him with lethal weapons and consequently, he died.

3. The learned counsel for the petitioners would submit that even assuming without admitting that the contents of the F.I.R. are true, the fact remains that the deceased is the aggressor and he used to torture his father, calling upon him to partition the property and unable to bear the alleged occurrence is said to have been committed.



4. The learned Government Advocate (Criminal side) would submit that all the accused were arrested and the material part of the investigation is over and further the petitioners/accused Nos.1 to 3 are not having any bad antecedents.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the State and also perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail subject to the following conditions. Accordingly, the petitioners are directed to be released on bail on each of them executing a personal 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 learned Judicial Magistrate No.V, Madurai, and on further condition that the petitioners shall appear before the respondent police daily at 11.00 a.m, until further orders.

sd/-

20/12/2013

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.V,MADURAI.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4.THE SUPERINTENDENT CENTRAL PRISON, MADURAI

5.THE INSPECTOR OF POLICE
C5-KARIMEDU POLICE STATION (L&O), MADURAI.

+1. CC to M/S.VEERA KATHIRAVAN Advocate SR.No.64029

ORDER

IN

CRL OP(MD) No.23205 of 2013

Date :20/12/2013

rg.20.12.2013

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