



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

Friday, the Nineteenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10207 of 2015

VENKATACHALAM

... PETITIONER/ ACCUSED NO.3

Vs

STATE THROUHG  
THE INSPECTOR OF POLICE  
NAGAIYAPURAM POLICE STATION,  
MADURAI DISTRICT.  
CRIME NO. 14 OF 2015.

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.G.R.SWAMINATHAN  
for MR.T.ANTONY ARUL RAJ 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 petitioner, who is arrayed as A3 was arrested and remanded to judicial custody on 05.02.2015 for the alleged offences punishable under sections 147, 148, 149, 341, 342, 307, 302 of IPC r/w 120(b) IPC and section 174(3) of Cr.P.C and 25(1), 27(1) of Indian Arms Act, in Crime No.14 of 2015 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 26.01.2015, after the betrothal function, the deceased made some adverse commends against A2 and thereafter, the accused had attacked the deceased party and thereby, caused the death of five persons, including A1's wife, her parents and sister-in-law and also caused injury to two other persons.

3.Mr.G.R.Swaminathan, learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution; that the petitioner is the brother-in-law of A1 and he has no motive to commit the offence and the occurrence had taken place only in a sudden provocation; that A1 and his wife were living apart and she had also filed a petition for divorce; that A1 was released on bail under section 167(2) of Cr.P.C for non-filing of the final report within the prescribed time; that now the respondent police has completed the investigation and also filed a final report in this case, which was numbered as PRC No.16 of 2015. It is further submitted that A4 and A5 were granted bail by the Sessions Court and therefore, his bail application may be considered.

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

4.Per contra, the learned Government Advocate (Criminal side) filed a counter affidavit and submitted that this is a case of



murdering five persons among them four are women and the petitioner/A3 attacked the deceased Backialakshmi with 'pattaknife', thereby caused instantaneous death and as per his confession, weapons were also recovered. It is further submitted that A1 is detained as 'Goonda' under Tamil Act 14 of 1982 and the prosecution had also taken steps to cancel the bail granted to A1 as well as A4 and A5 and if the petitioner is released on bail, he will temper the witnesses.

5.It is to be noted that this is a case of murdering five persons, including four unarmed women and causing injury to 2 innocents. The prosecution has specifically stated in the counter affidavit that the petitioner had attacked one of the victims, namely Backialakshmi with pattaknife and on his voluntary confession, weapons were also recovered. It is seen that the respondent had already completed the investigation and also laid a charge sheet in this case and the case is now ready for committal in PRC No.16 of 2015.

6.Considering the gravity of offence and the objection of the learned Government Advocate (Criminal side), this court is not inclined to grant bail to the petitioner and accordingly, this petition is dismissed. However, considering the fact that the respondent has already laid a charge sheet in this case and the case is numbered as PRC No.16 of 2015 on the file of the learned District Munsif-Judicial Magistrate, Peraiyur, the learned Magistrate is directed to commit the case to the Court of Sessions for trial within a period of two weeks from the date of receipt of a copy of this order and thereupon, the trial court shall dispose of the case within a period of three months therefrom.

sd/-

19/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE DISTRICT MUNSIF-JUDICIAL MAGISTRATE, PERAIYUR.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE  
NAGAIYAPURAM POLICE STATION, MADURAI DIST.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.T.ANTONY ARUL RAJ Advocate SR.No.32601

akm/03.07.15 /2p-7c/

ORDER

IN

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Date :19/06/2015