



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) Nos.17966 and 17990 of 2015

MUTHIAH @ MUTHIAH NAYAKAR

..PETITIONER/ACCUSED No.1

in Crl.OP (MD) No.17966/2015

SENTHILKUMAR

..PETITIONER/ACCUSED No.2

in Crl.OP (MD) No.17990/2015

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

VACHAKARAPATTI POLICE STATION,

VIRUDHUNAGAR.

CR. NO.299/2015 RESPECTIVELY.

..RESPONDENT/COMPLAINANT

in both the petitions

For Petitioner : M/S G.MARIAPPAN Advocate in both the petitions

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

in both the petitions

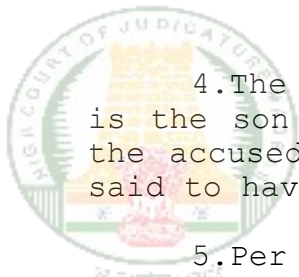
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2, in Crime No.299 of 2015 on the file of the respondent police, were arrested and remanded to judicial custody on 03.08.2015, for the alleged offences punishable under Section 294(b), 341, 307, 302 and 506(ii) of I.P.C., and hence, seek bail.

2.The case of the prosecution is that one Kavitha daughter of A1 was given marriage to one Vignesh and he is in abroad. Whiles, the deceased No.1 viz., Mohan (herein after referred to as D1) had developed illicit intimacy with her and they were living together and the said Kavitha is also run a chit. When she had gone out to collect the chit amounts, the said Mohan/D1 attacked her and the same was informed to her father/A1 and on 02.08.2015, the accused went to a wine shop where Mohan/D1 and Paramasivam/D2 taking liquor and wordy quarrel arose between them and thereafter, A1 attacked D1 with aruval, while the second accused, who is the son of the first accused attacked D2 with knife and caused death.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and it is further submitted that the daughter of the first petitioner was living separately as her husband was in abroad and taking advantage of that situation, D1 had developed illegal intimacy with her and she was also attacked by D1 and thereafter, the said Kavitha was residing with her father/A1 and on the date of occurrence, the deceased came to the house of the accused and asked the said Kavitha to come with him, when she refused, they challenged and thereafter, they left the place.



4.The learned counsel further submitted that the second accused, who is the son of A1 is working in Indian Army and when it was informed to the accused, there was a clash erupted between them and the accused are said to have attacked the deceased with weapons.

5.Per contra, the learned Government Advocate (Crl.side) would submit that the accused were arrested only on 03.08.2015 and this is a case of double murder and the investigation is not completed.

6.However, considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail on each of them 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 learned Judicial Magistrate No.I, Virudhunagar and on further condition that the petitioners shall report before the respondent Police daily at 10.00 a.m until further orders.

sd/-

16/09/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE INSPECTOR OF POLICE, VACHAKARAPATTI POLICE STATION, VIRUDHUNAGAR.

5 THE OFFICER IN CHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

+2. CC to M/S G.MARIAPPAN Advocate SR.No.54697 & 54698

ORDER IN

CRL OP(MD)Nos.17966 & 17990 of 2015

Date :16/09/2015

PBK/GSV/SAR-II 16/09/2015 ::2P-9C::