



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

Thursday, the Eighth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18357 of 2015

1 PARTHIBAN
2 WELLINGTON
3 KENNEDY

... PETITIONERS / ACCUSED NO.4 TO 6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NORTH POLICE STATION,
TUTICORIN DISTRICT.
(IN CRIME NO. 619/2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.GOPINATH , Senior counsel for
M/S.D.BALAMURUGAPANDI Advocate

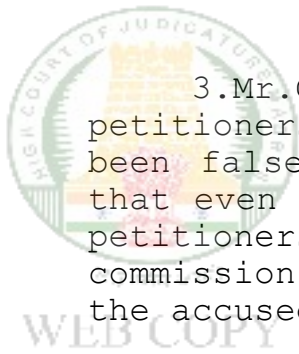
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.4 to 6, who were arrested and remanded to judicial custody on 03.09.2015 for the alleged offences punishable under Sections 302 IPC altered into 147, 148, 341, 307 and 302 of IPC, in Crime No.619 of 2015 on the file of the respondent police and hence, seek bail.

2.According to the prosecution, the deceased Parthiban is the President of Steam Boat Labour Association and due to dispute over disbursement of wages, two days prior to the occurrence, the deceased and the members of the labour association pelted stone at the Steam Boat of the fourth accused Parthiban and also attacked his employees for which, a case is registered in Cr.No.775 of 2015 against the deceased and his party. Due to the enmity, that on 02.09.2015 when the deceased and the defacto complainant was proceeding in a two wheeler, the accused Nos.1 to 3 have chased them and dashed against the two wheeler of the deceased, so the deceased fell down from the vehicle and the accused No.1 attacked the deceased with Aruval, while the accused Nos.2 and 3 stabbed him with knife. At the time, the accused Nos.4 to 6, the petitioners herein came down to the place and instigated the accused Nos.1 to 3 stating that to commit murder of the deceased.



3.Mr.Gobinath, learned Senior Counsel appearing for the petitioners submitted that they are innocent persons and they have been falsely implicated in this case and it is further submitted that even according to the prosecution, the accused Nos.4 to 6, the petitioners herein were not armed with weapons at the time of commission of offence and it is alleged that they have instigated the accused Nos.1 to 3 to kill the deceased.

4. The learned Senior Counsel further submitted that there is a strong motive for the defacto complainant to falsely implicated the petitioners in this case and the allegations are artificial and vague in nature.

5.Per contra, the learned Government Advocate (Crl.side) submitted that the fourth accused is the owner of the Chittukuruvi Steam Boat and due to the previous enmity, the accused Nos.4 to 6 instigated the accused Nos.1 to 3 to commit the offence. It is further submitted that all the accused have been secured and they are in judicial custody and the investigation is at prime stage.

6.Considering the overt act attributed against the petitioners, 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.II, Tuticorin and on further condition that the petitioners shall reside at Villupuram and report before the Villupuram Town Police Station daily twice at 10.00 a.m., and 5.00 p.m., until further orders.

sd/-

08/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TUTICORIN.
 - 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
 - 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.
 - 5 THE INSPECTOR OF POLICE
NORTH POLICE STATION, TUTICORIN DISTRICT.
 - 6 THE OFFICER INCHARGE,
VILLUPURAM TOWN POLICE STATION, VILLUPURAM.
- +1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.59293

ORDER

IN

CRL OP (MD) No.18357 of 2015

Date : 08/10/2015