



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

Monday, the Fourteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22826 and 22827 of 2015

1 CHENDRAYAN
2 SHANMUGAVEL

... PETITIONERS / ACCUSED 2 & 3 IN
CRL OP(MD) No.22826 of 2015

1 PALANIAPPAN
2 MALLIGA
3 KANAGUMANI

... PETITIONERS / ACCUSED 1,4 & 5 IN
CRL OP(MD) No.22827 of 2015

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT,
CR NO.480 OF 2015.

... RESPONDENT / COMPLAINANT IN BOTH PETITIONS

For Petitioner:M/S M.MOHAMED RAFI,Advocate IN CRL OP(MD) No.22826 of 2015

For Petitioner:M/S P.SENGUTTUVAN,Advocate IN CRL OP(MD) No.22827 of 2015

For Respondent : Govt. Advocate (Crl. Side) IN BOTH PETITIONS

PETITION FOR BAIL Under Sec. 439 Cr.P.C. IN CRL OP(MD) No.22826 of 2015

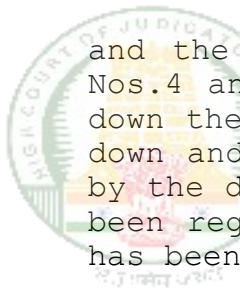
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C. IN
CRL OP(MD) No.22827 of 2015

COMMON ORDER : The Court Made the following order :-

The petitioners/Accused Nos.2 & 3, who were arrested and remanded to judicial custody on 31.10.2015 for the alleged offences punishable under Sections 147, 294(b), 323 and 506(ii) of IPC and altered into Sections 147, 294(b), 323, 506(ii), 307 and 302 of IPC, in Crime No.480 of 2015 on the file of the respondent police and hence, seeks bail.

2.The petitioners/Accused, who were arrayed as accused Nos.1,4 & 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323 and 506(ii) of IPC and altered into Sections 147, 294(b), 323, 506(ii), 307 and 302 of IPC, in Crime No.480 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

3.The case of the prosecution is that on 29.10.2015 at 6.00 p.m., the mother of the defacto complainant/deceased closed the tap since water was leaking and it was objected by the first accused and stated that not to close the tap. Due to which, a wordy quarrel arose. The son of the defacto complainant was attacked by the second accused with wooden log



and the third accused attacked the defacto complainant and the accused Nos.4 and 5 abused him with filthy language and the accused No.5 pushed down the mother of the defacto complainant/deceased and the deceased fell down and sustained severe injury. The deceased was admitted in hospital by the daughter-in-law of the deceased and on her complaint, the case has been registered. Subsequently, on 30.10.2015, she died and the charges has been altered into 147, 294(b), 323, 506(ii), 307 and 302 of IPC.

4.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution and only due to sudden provocation, the occurrence has taken place. The deceased died due to her old age. The accused Nos.2 and 3 were arrested on 31.10.2015 and they are in judicial custody for more than 42 days.

5.The learned Government Advocate (Crl.side) submitted that due to wordy quarrel with regard to closure of water tap, the accused attacked the defacto complainant, his son and his mother. Due to that, the mother of the defacto complainant was died and the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that due wordy quarrel and sudden provocation, the incident had occurred, this Court is inclined to grant bail to the petitioners in Crl.O.P.(MD)No.22826 of 2015/Accused Nos.2 & 3 with certain conditions. Accordingly, the petitioners/Accused Nos.2 & 3 is 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, Kodaikkanal and on further condition that the petitioners/Accused Nos.2 & 3 shall appear before the respondent police daily at 10.00 a.m., until further orders.

7. Accordingly, the petitioners in Crl.O.P(MD)No.22827 of 2015/Accused Nos.1,4 & 5 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Kodaikkanal and 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 Magistrate concerned and on further condition that the first petitioner in Crl.O.P.(MD)No.22827 of 2015/Accused No.1 shall appear before the respondent police daily at 10.00 a.m., until further orders and the petitioners Nos.2 & 3/Accused Nos.4 & 5 shall appear before the respondent police as and when required. The petitioners in Crl.O.P(MD)No.22827 of 2015 shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioners in Crl.O.P(MD)No.22827 of 2015 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
14/12/2015

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
KODAIKKANAL

2 DO THRO THE CHEIF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE OFFICER INCHARGE,
DISTRICT PRISON
DINDIGUL

4 THE INSPECTOR OF POLICE
KODAIKKANAL POLICE STATION,
DINDIGUL DISTRICT,

5 THE ADDITINAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

+1. CC to M/S M.MOHAMED RAFI Advocate SR.No.71317.
+1CC to MR.P.SENGUTTUVAN, Advocate, SR.No. 71316.

ORDER

IN

CRL OP (MD) No.22826 and 22827 of 2015

Date :14/12/2015

AM/14.12.2015/SK.SKN/SAR-I/3P/8C