



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2722 of 2015

1 SUNDARAJAN

2 SUGUNA

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

WATRAP POLICE STATION,

VIRUDHUNAGAR DISTRICT.

(CR.NO.142 OF 2014)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R. GANDHI Advocate

For Respondent : Mr.P.KANNIDEVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

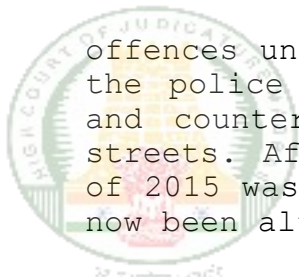
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 323, 341, 304(ii) and 506(i) IPC in Crime No.142 of 2014 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3.It is the case of the prosecution that on 26.06.2014 an incident took place. The second petitioner is the wife of the first petitioner. Both of them are over 70 years old. The defacto complainant is one Mannarsamy. It is case of the defacto complainant that the petitioners herein have built a small set out that protruding into the pathway that leads to the house of the defacto complainant. This has been causing inconvenience to the defacto complainant because he is not able to go free ingress and ex tress to the house. It is situated behind the house of the petitioners. On 26.06.2014 it is alleged by the defacto complianant that when he was proceeding to his house by his motorcycle, the second petitioner was sitting in the set out and was keeping her legs protruding into the street. Therefore, the defacto complainant requested her to give way for him to go. The altercation ensued in which the first petitioner joined the issues with his wife. While the petitioners were quarrelling with the defacto complainant, a neighbour by name Ramasamy, who is aged about 80 years, intervened and tried to pacify the quarrelling parties. It is alleged by the defacto complainant that these petitioners pushed the said Ramasamy and he fell down. The said Ramasamy was taken to the hospital immediately and he died on the evening around 9.45 p.m. Initially the case in Crime No.142 of 2014 for offences under Sections 323, 506(i) IPC was registered by the respondent against these petitioners.

4. It is the case of these petitioners that actual aggressor in this case is Mannarsamy and that Mannarsamy had picked up the quarrel with the second petitioner, who is the wife of the first petitioner and had assaulted both of them. In this regard, on the complain lodged by Sundarajan, the first petitioner a case in Crime No.141 of 2014 for the



offences under Sections 294(b), 323 and 506(i) IPC has been registered by the police against the said Mannarsamy. Thus initially it was the case and counter between two senior citizens, who were quarrelling in the streets. After the death of the said Ramasamy, the case in Crime No.142 of 2015 was altered into Section 323 and 506(i) IPC and thereafter it has now been altered to Section 341, 323, 506(i) and 304(ii) IPC.

5. This Court perused the alteration report that has been filed by Mr.Ramakrishnan, the Inspector of Police, Watrap Police Station.

6. After conducting investigation and collecting post-mortem report, the Inspector of Police has fairly stated that death was caused accidentally and

there was no intention on the part of the petitioners to cause his death. The petitioners were quarrelling with Mannarsamy and in that heat of the quarrel the said Ramsamy intervened and he was pushed. The said Ramasamy suffered heart attack subsequently and died in the hospital.

7. This Court records its appreciation to the fair manner in which Mr.Ramakrishnan, the Inspector of Police has conducted investigation. The Registry is directed to send this order copy to the Superintendent of Police, Virudhunagar District for placing the commendation of this Court in the Service Register of Mr.Ramakrishnan, the Inspector of Police, Watrap Police Station, Virudhunagar District.

8. Taking into consideration the overall facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Srivilliputhur, on condition that each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent police as and when required.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl.side) as to whether the petitioners are complying with the order or not.

sd/-

17/02/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, VIRUHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE SUPERINTENDENT OF POLICE, VIRUHUNAGAR DISTRICT.

5 THE INSPECTOR OF POLICE,WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.R. GANDHI Advocate SR.No.7597

ORDER IN

CRL OP(MD) No.2722 of 2015

Date :17/02/2015

PBK 24/02/2015 ::3P-7C: