



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

Monday, the Second day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) Nos.3312 & 3311 of 2015

WEB COPY

1 VALLIAMMAL

2 VASANTHI @ SUBBULAKSHMI

... PETITIONERS/ACCUSED NO.3 & 4
IN CRL OP(MD)NO.3312/2015

MARUTHAIAH @ MAHESH

... PETITIONER/ACCUSED NO.2
IN CRL OP(MD)NO.3311/2015

Vs

STATE.REP.BY

THE INSPECTOR OF POLICE

THEVARKULAM POLICE STATION,

TIRUNELVELI DISTRICT.

(CR.NO.15/2015)

... RESPONDENT/COMPLAINANT IN BOTH PETITIONS

FOR PETITIONERS : M/S.A.THIRUVADI KUMAR ADVOCATE IN BOTH PETITIONS

FOR RESPONDENT : MR.A.P.BALASUBRAMANIAN,

GOVT. ADVOCATE (CRL. SIDE)IN BOTH PETITIONS

PETITION FOR BAIL Under Sec. 439 Cr.P.C.in CRL OP(MD)NO.3312/15
AND

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
in CRL OP(MD)NO.3311/15

ORDER : The Court Made the following order :-

The petitioners in Crl.OP[MD].No.3312 of 2015, who were arrested and remanded to judicial custody on 16.01.2015, for the offence punishable under Sections 294(b), 341, 302 and 120(B) of the Indian Penal Code, in Crime No.15 of 2015, on the file of the respondent police, seek bail.

2. The petitioner in Crl.OP[MD].No.3311 of 2015, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341 and 302 of the Indian Penal Code, in Crime No.15 of 2015 on the file of the respondent police, seeks Anticipatory Bail.

3. The case of the prosecution is that the deceased, in this case, is one Seenipandi Karaiyalar, aged about 70 years. The *de facto* complainant is the son of the deceased. There is land dispute between the accused party and the *de facto* complainant party. On 15.01.2015, when the *de facto* complainant and his family members were working in the lands, the deceased came to see them and at that time, the first accused, by name, Pattan came with stick, accompanied by his son - Maruthaiah @ Mahesh, the petitioner in Crl.OP[MD].No.3311 of 2015 and Valliammal and Vasanthi @ Subbulakshmi, the petitioners in Crl.OP[MD].No.3312 of 2015. At that time, A-1 hit the deceased on his jaw and the deceased fell and succumbed to injuries. During the course of investigation, the police included one another lady, by name, Maruthu as



an accused in this case and she was granted bail by the Trial Court. The petitioners in Crl.OP[MD].No.3312 of 2015 were arrested on 16.01.2015 and they are in incarceration since then.

4. On a reading of the First Information Report, it is seen that the allegation against these petitioners is that they instigated the first accused to attack the deceased. Even according to the averments made in the complaint, the first accused was only having stick and it is not the case of the prosecution that they were armed with any dangerous weapon. In such circumstances, this Court is inclined to grant bail to the petitioners in Crl.OP[MD].No.3312 of 2015. Accordingly, the petitioners in Crl.OP[MD].No.3312 of 2015 are ordered to be released on bail on their 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.III, Tirunelveli and on further condition that:

[a] the petitioners in Crl.OP[MD].No.3312 of 2015 shall report before the respondent police, daily at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation.

5. As regards the petitioner in Crl.OP[MD].No.3311 of 2015, it is stated in the First Information Report that he was only in the company of his parents at the occurrence place. It is admitted by the prosecution that the petitioner herein had just now finished B.E., Mechanical Engineering and obtained B.E.Degree. His Conduct Certificate and the Transfer Certificate issued by the college show that he is having very good conduct in the college. The nature of the allegation, in this case, shows that there was a land dispute between the accused party and the deceased party and in the case of this nature, if this petitioner is arrested, his future will be in jeopardy. It is not even the case of the prosecution that he was armed with any weapon or that he had attacked the deceased. Under such circumstances, this Court is inclined to grant Anticipatory Bail to the petitioner in Crl.OP[MD].No.3311 of 2015.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.III, Tirunelveli, on condition that 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:

the petitioner in shall report before the respondent police, daily at 10.30 a.m,for a period of four weeks and thereafter as and when required for interrogation.

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

[c] All 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 compliance report to the office of the learned Additional Public Prosecutor whether all the petitioners are complying with the order or not.

sd/-

02/03/2015

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, KOKKARAKULAM,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
THEVARKULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/S.A.THIRUVADI KUMAR Advocate SR.Nos.9736 & 9737

ORDER

IN

CRL OP(MD) Nos.3312 & 3311 of 2015

Date :02/03/2015

PA/02.03.15/3P/8C