



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11326 of 2016

1 MADASAMY
2 PANCHAVARNAM

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 66 OF 2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S K.KUMARAVEL, ADVOCATE
FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

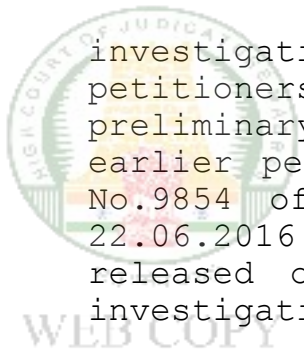
The petitioners are arrayed as accused Nos.1 and 2, who were arrested and remanded to judicial custody on 04.05.2016 for the alleged offences punishable under Sections 302 and 201 I.P.C., in Crime No.66 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that due to family dispute, the petitioners attacked their son and committed murder and destroyed the body. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. They are the parents of the deceased. The petitioners arranged marriage for the deceased with Sathiya. While so, the deceased developed extra-marital status with one Sumathy and they were living separately. Due to that, one Sakthivel and Ramapandi, who are brothers-in-law of the said Sathiya, murdered the deceased. The first petitioner lodged a complaint before the respondent police on 04.05.2016 for the said occurrence. On contrary, the respondent police, based on the confession given by other accused, foisted a false case against the petitioners. The petitioners are in judicial custody from 04.05.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Crl.side) submitted that on



investigation it is found that due to family dispute, the petitioners murdered the deceased and investigation is in preliminary stage and they are awaiting for D.N.A. Test Report. The earlier petition for bail filed by the petitioners in Crl.O.P(MD) No.9854 of 2016 was dismissed by this Court, vide order dated 22.06.2016 and there is no change of circumstances. If they are released on bail they will tamper the evidence and hamper the investigation.

5.Considering the fact that the first petitioner only gave a complaint implicating two persons murdered their son and they are in judicial custody from 04.05.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

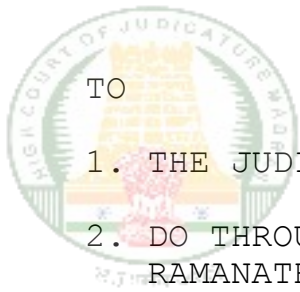
- (i) Each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Muthukulathur.
- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) 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]**.

6.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 condition or not.

sd/-
12/07/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE SUPERINTENDENT,
CENTRAL JAIL,
MADURAI.

+1. CC to M/S K.KUMARAVEL Advocate SR.No. 35927

ORDER
IN
CRL OP (MD) No.11326 of 2016
Date :12/07/2016

SMN
TE/NGM-MP/SAR-I : 12/07/2016 : 3P/7C