



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

Thursday, the Fourth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) Nos.13011 & 13012 of 2016

WEB COPY

BALA MURUGAN : PETITIONER/ACCUSED No.2 IN CRL OP(MD)No.13011/2016
LINGARAJ : PETITIONER/ACCUSED No.1 IN CRL OP(MD)No.13012/2016
Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO. 152/2016.

... RESPONDENT/COMPLAINANT IN BOTH PETITIONS

For Petitioner : M/S.D.FARJANA GHOSHIA, Advocate in both petitions

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)
in both petitions

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused No.2&1, were arrested and remanded to judicial custody on 20.06.2016 for the alleged offences punishable under Section 279, 338 and 304(A) IPC, in Crime No.152 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the brother-in-law of the defacto complainant and his wife were travelling in a motorcycle bearing Regn. No.TN-67-H-0367, nearby Tathampatti-Ondipulinaickanoor Road, at that time, due to previous enmity, the petitioners in these petitions, who are brothers, intentionally dashed the two wheeler and caused death to the deceased and injured the wife of the deceased. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioners are innocent and he has not committed any offence as alleged by the prosecution. They have nothing to do with the alleged occurrence. In the FIR the name of the accused persons were mentioned only due to the previous enmity. The petitioners were falsely implicated in this case. The petitioners are in judicial custody from 26.06.2016.

4.The learned Government Advocate (Criminal side) submitted that due to the previous enmity the petitioners A1 and A2 murdered the deceased intentionally by dashed against the motorcycle and caused death. When she became conscious the wife of the deceased clearly stated that the accused persons were intentionally dashed against the two wheeler and caused death to her husband and lodged a complaint against the petitioners A1 and A2. Based on the complaint, a case has been registered and considering the nature of allegation made against the petitioners, the learned Government Advocate (Crl. Side) prayed for dismissal of the petition. The investigation of the case is also pending.



5. Considering the rival submissions, and the fact that due to previous enmity, the petitioner and his brother pre-planned to murder the deceased, and also considering the gravity of the offence and serious nature of the allegations made against the petitioners, and also the investigation is pending, this Court is not inclined to grant bail to the petitioners and accordingly these petitions are dismissed.

sd/-

04/08/2016

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

TO

- 1 THE SUB INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 2 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S G.MARIAPPAN Advocate SR.No.41828

ORDER

IN

CRL OP(MD) No.13011 & 13012 of 2016

Date :04/08/2016

PA/DB/SAR III/19.08.2016/2P/5C