



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.13653, 13654 and 13655 of 2016

KANNAN

... PETITIONER/ACCUSED No.2
IN CRL OP(MD)No.13653/2016

DURAIRAJ

... PETITIONER/ACCUSED No.3
IN CRL OP(MD)No.13654/2016

1 AYYASAMY

2 A.PRASATH

... PETITIONERS/ACCUSED 4&5
IN CRL OP(MD)No.13655/2016

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.135 OF 2016

... RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

FOR PETITIONER : M/S.T. LENIN KUMAR, ADVOCATE
IN ALL THE PETITIONS

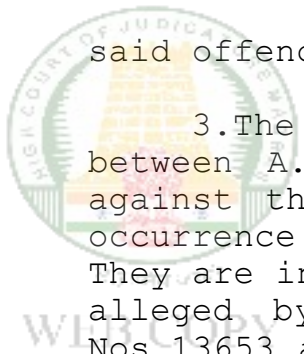
FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P(MD)Nos.13653 and 13655 of 2016 are arrayed as accused Nos.2, 4 and 5, who were arrested and remanded to judicial custody on 19.06.2016 and the petitioner in Crl.O.P(MD) No.13654 of 2016 is arrayed as accused No.3, who was arrested and remanded to judicial custody on 17.06.2016 for the alleged offences punishable under Sections 147, 148, 452, 352, 323, 324 and 302 IPC, in Crime No.135 of 2016, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on 16.06.2016, due to previous enmity the petitioners and other accused trespassed into the house of the de facto complainant and attacked the father of the de facto complainant with aruval and he died due to the injuries sustained by him. The de facto complainant and her mother sustained injuries. On complaint, case has been registered for the above



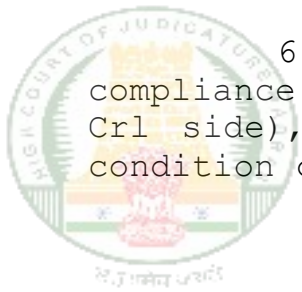
said offences.

3.The case of the petitioners is that due to civil dispute between A.1 and the deceased, a false complaint has been given against the petitioners and they did not involve in the alleged occurrence and they were not present in the place of occurrence. They are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners in Crl.O.P(MD) Nos.13653 and 13655 of 2016 are in judicial custody from 19.06.2016 and the petitioner in Crl.O.P(MD)No.13654 of 2016 is in judicial custody from 17.06.2016.

4.The learned Government Advocate(Crl.side) submitted that due to previous enmity the petitioners and other accused trespassed into the house of the de facto complainant and attacked the father of the de facto complainant with aruval and he died due to the injuries sustained by him. The de facto complainant and her mother sustained injuries. Investigation is pending. If the petitioners are released on bail, they will tamper the evidence and hamper the investigation.

5.Considering the allegations made against the petitioners and also considering the fact that the petitioners in Crl.O.P(MD) Nos.13653 and 13655 of 2016 are in judicial custody from 19.06.2016 and the petitioner in Crl.O.P(MD)No.13654 of 2016 is in judicial custody from 17.06.2016, 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, Aranthangi.
- (ii)the petitioners shall report before the respondent police daily twice i.e., at 10.00 a.m. and 05.00 p.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/-
03/08/2016

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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, ARANTHANGI.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER-IN-CHARGE,
DISTRICT JAIL,
PUDUKKOTTAI.

+3. CC to M/S.T. LENIN KUMAR Advocate SR.No. 41594, 41595, 41596

ORDER
IN
CRL OP (MD) Nos.13653, 13654
and 13655 of 2016
Date :03/08/2016

SMN
TE/GSV-PM/SAR-III : 03/08/2016 : 3P/9C