



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14823 of 2016

1 MURUGAN
2 LATHA
3 NAGASAMY
4 ILAYARAJA

... PETITIONERS/ACCUSED 3 to 6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 185 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S V.KANNAN Advocate

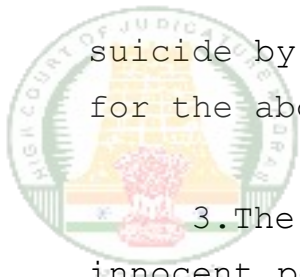
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.3 to 6, apprehend arrest at the hands of the respondent police for the offence punishable under Section 306 IPC, in Crime No.185 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that there was enmity between the families of the deceased and his brother A.1 Nagasamy. On 03.07.2016, the deceased abused A.1 in filthy language. Due to that, the petitioners along with the other accused attacked the deceased with aruval and wooden log. The deceased lodged a complaint before the respondent police and on the next day morning i.e., on 04.07.2016 at about 04.00 a.m., the deceased committed



suicide by consuming poison. 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. Due to dispute between the families of the deceased and A.1, a false complaint has been given against the petitioners. A.1 and A.2 were already arrested and released on bail by the learned Sessions Judge, Sivagangai vide order dated 09.08.2016 made in CrI.M.P.No.1526 of 2016.

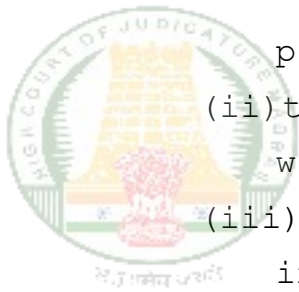
4.The learned Government Advocate (Criminal side) submitted that due to the dispute between the families of the deceased and A.1, the petitioners attacked the deceased and for that the de facto complainant has given a complaint that the petitioners induced him and due to that, he committed suicide by consuming poison and investigation is pending. The earlier petitions for anticipatory bail filed by the petitioners were dismissed vide orders dated 11.07.2016 and 22.07.2016 made in CrI.O.P(MD)Nos.11297 and 12429 of 2016. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Ilayangudi, on condition that 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent

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

Police daily twice i.e., at 10.00 a.m. and 05.00



p.m. until further orders.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) 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, as to whether the petitioners are complying with the conditions or not.

sd/-
29/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ILAYANGUDI.
 - 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
 - 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE, ILAYANGUDI POLICE STATION, SIVAGANGAI DISTRICT.
- +1. CC to M/S V.KANNAN Advocate SR.No.48280.

ORDER
IN
CRL OP(MD) No.14823 of 2016
Date : 29/08/2016