



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

Monday, the Fourth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4845 of 2016

1 GANDHI
2 SENTHAMARAI
3 SURYA @ M.ILAYAPERUMAL

..PETITIONERS/ACCUSED 1,2 & 4

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
MADHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 31 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S VEERA KATHIRAVAN Senior Counsel
for Mr.C.JEGANATHAN, Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

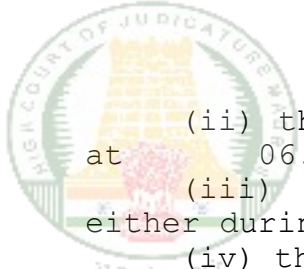
The petitioners, who were arrested and remanded to judicial custody on 14.02.2016 for the offences punishable under Sections 307 and 302 of I.P.C., in Crime No.31 of 2016, on the file of the respondent police, seek bail.

2. Heard Mr.Veera Kathiravan, learned Senior Counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the State.

3. It is the case of the prosecution that Veeraiah had married the first petitioner Gandhi/A1, through whom they have one daughter by name Senthamarai (A2), who is the mother Surya (A4). It is seen that Veeaiiah had married second wife Jothi (deceased No.2), through whom they have also children. In this regard, there was a dispute between two families with regard to share of properties. It is seen from the F.I.R. that the deceased Veeraiah had forcibly brought the second wife Jothi to the house of Gandhi and tried to establish her also. On account of which, a quarrel ensued, in which, it is stated that the petitioners herein had attacked Veeraiah and Jothi, resulting in their death.

4. Taking into consideration the nature of the allegations in the F.I.R and the fact that the dispute arising during the family quarrel, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

(I) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai;



(ii) the petitioners shall report before the respondent police daily at 06.30 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]**;

(vi) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioners are complying with the order or not.

sd/-

04/04/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, MADHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S VEERA KATHIRAVAN Advocate SR.No.18624

ORDER IN

CRL OP(MD) No.4845 of 2016

Date :04/04/2016

PBK/SK-SKN/AR-I 04/04/2016 ::2P-7C::