



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

Wednesday, the Twenty Seventh day of September Two Thousand
Seventeen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) Nos.12939 and 12878 of 2017

1 APPU @ABINAYAGAM
2 AMBIGAPATHY
3 SAMIKANNU

... PETITIONERS / ACCUSED 3 to 5
IN CRL OP(MD).NO.12939/2017

1 DEVAKI
2 ANNARAJA

... PETITIONERS / ACCUSED 1 & 2
IN CRL OP(MD).NO.12878/2017

Vs

State rep.by
THE INSPECTOR OF POLICE
THIRUPANANDAL POLICE STATION, THANAJVUR DISTRICT.
CR. NO.239/2017 ... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : M/S.M.KARUNANITHI Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.S.Duraipandian, Additional Public Prosecutor
IN BOTH THE PETITIONS

PETITION FOR BAIL Under Sec. 439 Cr.P.C.
IN CRL OP(MD).NO.12939/2017

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
IN CRL OP(MD).NO.12878/2017

ORDER : The Court Made the following orders :-

The petitioners in both petitions / accused Nos.1, 2, 3 to 5, who were arrested on 01.09.2017, for the offences punishable under Sections 147, 148, 341, 294(b), 324 and 506(ii) IPC., altered into Sections 147, 109, 341, 294(b), 323, 506(ii) and 302 IPC., in Crime No.239 of 2017, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the allegations against these petitioners is that there was a wordy quarrel arose between the petitioners and the deceased, at the time of occurrence, i.e., on 31.08.2017, A2, Annaraja has pushed down the deceased in Karuvel trees and the other accused attacked him using wooden logs and sticks on his ribs, head and neck. Due to that he sustained severe



head injuries. After taking treatment in the hospital, on the same day night, he succumbed to injuries.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent / Police.

4. The learned counsel for the petitioners would submit that the petitioners are no way connected with the crime and they are innocent persons and they have been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners have committed serious offence and investigation is yet to be completed and hence, he opposed for granting bail to the petitioners.

6. Considering the facts and circumstances of the case and considering the gravity of offence said to have been committed by the petitioners, 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) each, with two sureties, each for a like sum to the satisfaction of the learned II-Additional District Munsif-cum-Judicial Magistrate, Kumbakonam;

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the 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 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 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]**.

sd/-
27/09/2017

/ TRUE COPY /

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



TO

1 THE II ADDITIONAL DISTRICT
MUNSIFF-CUM-JUDICIAL MAGISTRATE, KUMBAKONAM

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
THIRUPANANDAL POLICE STATION, THANAJVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

5 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

+2. CC to M/S.M.KARUNANITHI Advocate SR.No.31575, 31576

ORDER
IN
CRL OP(MD) No.12939 & 12878 of 2017
Date :27/09/2017

SM:PM-PN:SAR I:28.9.2017:3P/8C