



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

Tuesday, the Tenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.13059 and 13061 of 2017

WEB COPY

VEERACHAMY

... PETITIONER/ACCUSED No.1
IN CRL OP(MD) No.13059/2017

1 ARUNKUMAR

2 ARUNPANDI

... PETITIONERS/ACCUSED No.2 &3
IN CRL OP(MD) No.13061/2017

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 483 OF 2017)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

2 SAVITHIRI

... RESPONDENT/DEFACTO COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate in both petitions

For Respondent : MR.T.MOHAN, Additional Public Prosecutor

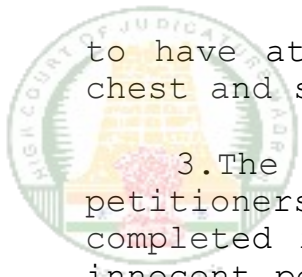
For Intervenor : Mr.M.SUBASH BABU, Advocate.

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

ORDER : The Court Made the following order :-

The petitioners/A1, A2 and A3, who were arrested and remanded to judicial custody on 28.07.2017 for the offences punishable under Section 302 of IPC in Crime No.483 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the wife of the deceased is the complainant in this case and because of the deceased's son was given marriage to the daughter of A1 herein and there was a matrimonial dispute between the son of the deceased and daughter of the first accused herein. Due to previous motive, A1 is said to have taken A2 and A3 in his Scorpio Car and instigated A2 and A3 to murder the deceased. The specific overt act attributed against A2 & A3 is that A2 is said to have attacked with aruval on the forehead of the deceased and A3 is said to have attacked with sword on the middle of the head of the deceased and thereafter A2 and A3 are said



to have attacked with aruval and sword respectively on the hands, chest and stomach of the deceased and caused injuries.

3.The learned counsel appearing for the petitioner states that petitioners are in custody from 28.07.2017 and investigation is also completed in this case. He further states that the petitioners are innocent persons and they have been falsely implicated in this case and A1 was not present at the time of occurrence.

4.The learned counsel for the intervenor states that it is not correct to say that the investigation has been completed by the respondent herein, since the complainant was not examined by the investigation officer. He further states that after dismissal of the first bail application, the counsels who were on record in that petitions, moved the bail applications before the Sessions Court, suppressing the fact of dismissal of the bail petitions by this Court and the same was dismissed by the concerned Sessions Court.

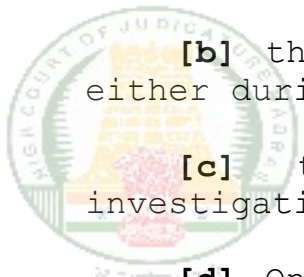
5.The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner in Crl.O.P(MD) No.13059 of 2017 is arrayed as A1 and the petitioners in Crl.O.P(MD) No.13061 of 2017 were arrayed as A2 and A3 respectively in this case. A2 and A3 are surrendered before the Village Administrative Officer and they have given confession statement and thereafter, they were arrested and remanded to judicial custody on 28.07.2017 and A1 surrendered before the Magistrate Court and he was arrested and remanded to judicial custody on 28.07.2017. A1 to A3 are in judicial custody from 28.07.2017 onwards.

6.The learned Additional Public Prosecutor would further submit that earlier bail applications moved by these petitioners in Crl.O.P.(MD)Nos.10379 and 10445 of 2017 were dismissed by this Court on 21.08.2017. The second bail applications in Crl.O.P(MD)Nos.11489 and 11490 of 2017 were also dismissed by this Court on 19.09.2017. The present bail applications were filed on 25.09.2017 and the investigation has been completed and the same is pending before the Additional Director for prosecution.

7.Considering the above facts and circumstances of the case and also considering the fact that the investigation has been completed and pending before the Additional Director of Prosecution, this Court is inclined to grant bail to the petitioners subject to certain conditions;

8.Accordingly, the petitioners are ordered to be released on bail on their executing 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 No.II, Ramanathapuram and on further condition that:

[a] the petitioners shall stay at Madurai and report before the learned Principal Sessions Court, Madurai, daily at 10.30 a.m., until further orders.



[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
10/10/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM
- 3 THE JUDGE, PRINCIPAL SESSIONS COURT, MADURAI
- 4 THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 5 THE OFFICER-IN-CHARGE, DISTRICT JAIL, RAMANATHAPURAM
- 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.32442

ORDER
IN
CRL OP(MD) No.13059 and 13061 of 2017
Date :10/10/2017

PK/PM-PN/SAR-1/11.10.2017 : 3P/8C