



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Sixth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14809 of 2017

1 P.MARUTHUPANDI

2 R.MANIKANDAN

3 D.MOHAMMED DIWAN SYED SHEIT

4 M.PATTUKILI @ PATTURAJAN ... PETITIONERS/ ACCUSED NO.1 TO 4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI DISTRICT.

CRIME NO. 645 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.T.LAJAPATHI ROY, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

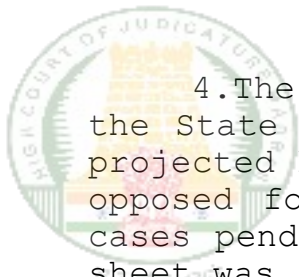
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as A1 to A4 and the petitioners 1 and 2 were arrested and remanded to Judicial Custody on 03.07.2017 and the petitioners 3 and 4 were arrested and remanded to Judicial custody on 01.07.2017, for the alleged offences punishable under Sections 302,201,187 and 342 of IPC, in Crime No.645 of 2017 on the file of the respondent Police and they seek bail.

2.The case of the prosecution is that on 01.07.2017, the defacto complainant/wife of the deceased made a complaint before the S.S.Colony Police Station stating that due to the business rivalry, the accused persons attacked her husband with deadly weapons and murdered him and packed the dead body in a gunny bag, which was found at Theni road. After conducting investigation, the truth came to light that all the four petitioners joined together and intentionally attacked the deceased person with deadly weapons to kill him in order to settle the business rivalry. Initially, a case was registered against five persons, for the offence under Section 302 of IPC., in Crime No.776 of 2017 and then altered into Sections 302, 201,187 and 342 of IPC and thereafter the case was transferred to the respondent police and re-registered in Crime No.645 of 2017.

3.The learned counsel appearing for the petitioners would genuinely concede that A1 has two previous cases and A2 has one previous case. However, there was no previous case against A3 and A4 and there is no specific overtact against them. Since the allegations are levelled against only A1 and A2, the lower Court has granted bail to A5 and the petitioners herein pray for bail to them.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that he is not disputing the facts of the case projected by the learned counsel for the petitioners. He vehemently opposed for grant of bail to A1 and A2, in view of the previous cases pending against them and he further submitted that the charge sheet was filed before the competent Court.

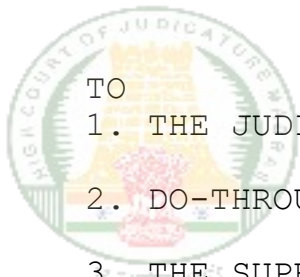
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5.Considering the facts and circumstances of the case, considering previous cases pending against A1 and A2 and gravity of offence committed by them, I am not inclined to grant bail to A1 and A2. Hence, this petition is dismissed as against A1 and A2. Considering the facts and circumstances of the case and considering the submission made by the learned Government Advocate (Criminal Side) and also considering the fact that there was no overtact attributed against A3 and A4, I am inclined to grant bail to them alone. Accordingly, the petitioners 3 and 4/A3 and A4 are ordered to be released on bail, subject to the following conditions;

- (i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate Court, No.IV, Madurai;
- (ii) the petitioners shall report before the Court concerned, daily at 10.30 a.m., and 04.00 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) the petitioners shall not commit any offence while on bail;
- (vi) 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 and the bail granted stands cancelled automatically.

sd/-
06/11/2017

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TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.33846

ORDER

IN

CRL OP (MD) No.14809 of 2017

Date : 06/11/2017

MS/PM-PN/SAR.2/06.11.2017/3P.7C