



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

Monday, the Twenty Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.14989 & 15283 of 2017

POONGODI

... PETITIONER / ACCUSED No.1
IN CRL OP(MD) No.14989 of 2017

BOSE

... PETITIONER / ACCUSED No.2
IN CRL OP(MD) No.15283 of 2017

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VIRU VEEDU POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO.116 OF 2017)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.R.ALAGUMANI Advocate IN BOTH THE PETITIONS

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

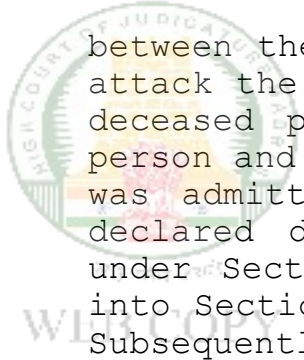
ORDER : The Court Made the following order :-

COMMON ORDER

Since the petitioners in these two petitions are involved in the same crime registered in Crime No.116 of 2017, both cases are taken up together and disposed of by way of common order.

2. The petitioners in these two petitions are arrayed as accused Nos.1 and 2, who were arrested and remanded to judicial custody on 13.07.2009 and 24.09.2017 respectively, for the alleged offences punishable under Sections 294(b), 324 and 307 of IPC altered into Sections 341, 294(b) and 302 of IPC, in Crime No.116 of 2017, on the file of the respondent police seek bail.

3. The case of the prosecution is that the petitioners are working as agent for forming bore-well. Four years back, the deceased by name, Ranjith Kumar @ Ranjith and his brother Ravi asked the petitioners to form bore-well in their Poultry Farm and bore-well was formed by A1. But the deceased and his brother did not pay the charges of Rs.46,000/- to the petitioners, which was questioned by the petitioners on 06.09.2017, there was a wordy quarrel arose



between the petitioners and the deceased, which lead A1/Poongodi to attack the deceased person with wooden stick and A2 caught hold the deceased person, to pave the way for A1 to attack the deceased person and the deceased sustained injuries. Thereafter, the deceased was admitted in the hospital and while taking treatment, he was declared dead on 12.09.2017. Initially, the case was registered under Sections 294(b), 324 and 307 of IPC and thereafter altered into Sections 341, 294(b) and 302 of IPC, in Crime No. 116 of 2016. Subsequently, A1 was arrested on 13.07.2009 and A2 was arrested on 24.09.2017 and remanded to judicial custody from the date of arrest.

4. The learned counsel for the petitioners in both petitions would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have no intention to murder the deceased, and infact, they questioned the non-payment of money on 06.09.2017, there was a wordy altercation arose between them. In this regard, A1 already gave a complaint against the deceased person and a case was registered in Crime No.117 of 2017. Therefore, the petitioners have been falsely implicated in this crime.

5. The learned Government Advocate (Crl.side) submitted that the investigation is almost completed in this case and he also stated that the case registered in Crime No.117 of 2017, on the basis of the complaint given by A1 was closed as 'mistake of fact'. He further submitted that the Law Enforcing Agency waiting only for Viscera Report and as soon as the report is received the Law Enforcing Agency would file Charge Sheet before the Court concerned.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 13.07.2009 and 24.09.2017 respectively, this Court is inclined to enlarge the petitioners on bail with certain conditions. 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.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai;
 - (ii) the petitioners shall report before the investigation officer, daily twice at 10.00 a.m. and 05.00 p.m., until further orders;
 - (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
 - (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
 - (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/-
27/11/2017

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WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 - 3 THE OFFICER IN CHARGE, DISTRICT PRISON, DINDIGUL.
 - 4 THE INSPECTOR OF POLICE,
VIRU VEEDU POLICE STATION, DINDIGUL DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to M/S.R.ALAGUMANI Advocate SR.Nos.35199 & 35198

ORDER IN
CRL OP(MD) Nos.14989 & 15283 of 2017
Date :27/11/2017

MKV-PM-PN-SAR 2/27.11.2017/3P-8C