



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

Wednesday, the Twentieth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17536 of 2017

1 RENGARAJ
2 SANTHOSH
3 ARAVIND
4 RAJKUMAR

... PETITIONER / ACCUSED 1 to 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO.233 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.RAMESHKUMAR Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

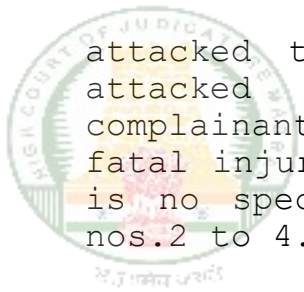
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos. 1 to 4, who were arrested and remanded to judicial custody on 24.10.2017, for the alleged offences punishable under Sections 294(b), 352, 307 @ 294(b), 352 and 302 of IPC., in Crime No.233 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant and his father purchased property from the petitioners. After purchase, the petitioners raised a dispute with regard to the property. On 23.10.2017, the petitioners went to the disputed property and entered into a wordy quarrel. Thereafter, it lead to altercation between them and the petitioners attacked the defacto complainant's father on head. As a result, the defacto complainant sustained fatal injuries and subsequently, the defacto complainants's father died in the hospital. Hence, the respondent police registered a case as against the petitioners.

3. The learned counsel appearing for the petitioners submitted that there was a civil dispute between the petitioners and the defacto complainant. On a particular date, before settling the civil dispute, the defacto complainant entered the property, which was questioned by the petitioners, thereby, the first petitioner



attacked the defacto complainant's father and other petitioners attacked the defacto complainant. In which, the defacto complainant's father died and the defacto complainant sustained fatal injuries and he was admitted in the hospital. However, there is no specific overt act against the petitioners 2 to 4/accused nos.2 to 4. Accordingly, they prayed for bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that already accused no.5 is enlarged on bail since there is no specific allegation attributed against him and there are specific allegations against the first accused and in respect of A2 to A4, there is no specific allegation in commission of offence and the investigation is pending.

5. However, there is specific allegation as against the petitioner/A1, this Court is not inclined to grant bail to the first petitioner/A1. Accordingly, this petition is dismissed as against the first accused.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), that on perusal of the F.I.R, there is no specific allegation against the petitioners 2 to 4/A2 to A4, I am inclined to grant bail to the petitioners 2 to 4/ A2 to A4 with certain conditions. Accordingly, the petitioners 2 to 4 are ordered to be released on bail, subject to the following conditions:

- (i) the petitioners 2 to 4/A2 to A4 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, Pattukkottai;
- (ii) the petitioners 2 to 4/A2 to A4 shall report the respondent police, daily at Morning 10.30 a.m., and Evening 5.00 p.m., until further orders;
- (iii) the petitioners 2 to 4/A2 to A4 shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners 2 to 4/A2 to A4 shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners 2 to 4/A2 to A4 shall not commit any offence while on bail;
- (vi) the petitioners 2 to 4/A2 to A4 shall not abscond either during investigation or during trial;



appropriate action against the petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
20/12/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
 - 4 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.36579

ORDER
IN
CRL OP(MD) No.17536 of 2017
Date :20/12/2017

MKV-VR-SAR 4/20.12.2017/3P-7C