



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

Thursday, the Fifteenth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.7227 of 2017

1 SUNDARAM @ SUNDARARAJ
2 PALANIKUMAR
3 SANKAR @ JEYASANKAR

... PETITIONERS/ ACCUSED
NOS.1,3,7

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT,
CR.NO.175/2017

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.BANUPRASATH Advocate

For Respondent : MR.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : MR.A.CHANDRAKUMAR, ADVOCATE

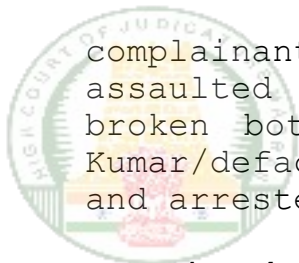
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/accused Nos.1,3 & 7, who were arrested and remanded to judicial custody on 02.06.2017, for the alleged offences punishable under Sections 147, 148, 294(b), 323, 452, 506(ii) and 307 IPC in Crime No.175 of 2017, on the file of the respondent/Police, seek bail.

2. Heard Mr.P.Banuprasath, learned counsel appearing for the petitioners, Mr.A.Chandrakumar, learned counsel appearing for intervenor and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that the defacto-complainant is an Advocate by profession and the allegation is that the defacto-complainant married the daughter of the 1st petitioner/A1 herein, against his wish. Therefore, the 1st petitioner herein with intention to make honour killing the life of the defacto-complainant and his wife, namely Nagarani, called him over phone and threatened to cut him and his wife into pieces. Thereafter, on 31.05.2017, the petitioners herein and ten unknown persons came to the defacto-



complainant's house at about 11.00 p.m., barged into their house and assaulted him using filthy language and tried to stab him with broken bottle and knife. Based on the complaint given by Vinod Kumar/defacto-complainant, the respondent/Police has registered FIR and arrested these petitioners.

4. The learned counsel appearing for the petitioners submitted that the defacto-complainant, being an Advocate by profession, has given a false complaint to the police, alleging grave crime against them and some unknown persons, in order to settle score with the 1st petitioner herein, since he did not gave his consent for his daughter's marriage to the defacto-complainant.

5. The learned Additional Public Prosecutor submitted that based on the complaint given by the defacto-complainant, FIR was registered and the petitioners were arrested. Thereafter, when police wants to investigate the matter further and to record the statement, this defacto-complainant is not co-operating. Hence, they are not able to record the statement of the defacto-complainant as well as the daughter of the 1st petitioner, Nagarani, with whom the defacto-complainant alleged to got married. It is also submitted by the learned Additional Public Prosecutor that there is no injury sustained by the defacto-complainant.

6. The learned counsel representing the defacto-complainant sought leave to intervene the bail petition and contended on the ground that there is an attempt to commit honour killing and therefore the petitioners should not be granted bail.

7. Taking into consideration of the submissions made by the learned counsel for the petitioners, learned counsel for the intervenor and the learned Additional Public Prosecutor and the FIR report, this Court is of the opinion that there is no serious offence committed by the petitioners, except alleged attempt of barging into the house of the defacto-complainant and using filthy language. Since there is no external injury found on the body of the defacto-complainant and taking into fact that the defacto-complainant is not co-operating with the investigation, this Court is inclined to grant bail to the petitioners.

8. Further the learned counsel for the petitioners submitted that since the defacto-complainant is a practicing Advocate at Dindigul, furnishing surety before Judicial Magistrate, Dindigul may not be possible, due to the intervention of the bar and hence seeks indulgence of this Court to produce surety before Judicial Magistrate, Nilakkottai. The said request is considered and allowed.

9. 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakkottai.



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(ii) the petitioners shall report before the respondent police, daily at 10.30 a.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) 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/-

15/06/2017

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

GK/SMI

TO

1 THE JUDICIAL MAGISTRATE, NILAKKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL DISTRICT

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

5 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.

+1. CC to M/S.P.BANUPRASATH Advocate SR.No.24268

GJM/CM/SAR-2-15.6.17-3P-7C

ORDER

IN

CRL OP(MD) No.7227 of 2017

Date :15/06/2017