

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17539 of 2018

1 VINOTHKUMAR
2 RAGHU
3 DINAKARAN
4 MUTHU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CHUNAMBEDU POLICE STATION,
KANCHEEPURAM DISTRICT.
CR. NO. 390 OF 2017.

[RESPONDENT]

For Petitioner : M/S.V.M.R.RAJENTREN Advocate

For Respondent : PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.390 of 2017 registered by the respondent police for the offence punishable under Sections 147, 148, 302, 307, 324, 341 and 506(i) of IPC.

2. The case of the prosecution as per the defacto complainant one Sasikumar, who is a resident of Kadappakkam Kuppam, is that there was an enmity between the Alambaraikuppam village persons and his family in respect of sharing of money collected from the producer, who was shooting a film in the area and also in respect of an amount collected during the festival. The further allegation is that due to that, on 01.09.2017 A1 to A34 and others waylaid his brothers Sekar, Ramakrishnan and others assaulted him with deadly weapons like wooden log, knife, veecharuval, due to which, Sekar and Ramakrishnan died and some persons injured.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since they belong to a group in the village. He would submit that there was a dispute between two groups in the village and that the deceased and other members, who are the family members of the defacto complainant trespassed and damaged the fishing materials, when the same was questioned, they attacked the other group, at the

time some common persons entered to pacify the same, in that incident two persons sustained injuries and died. He would submit that on the complaint given by the petitioners' group, the case in crime No.391 of 2017 has been registered against the defacto complainant and other persons for offences under Sections 147, 148, 324, 427 and 506(ii) of IPC r/w Section 3(1) of TNPPDL Act. He would submit that the petitioners' name do not find place in the FIR. He would submit that similarly placed accused have been granted anticipatory bail by this Court in Crl.O.P.No.21437 of 2017 dated 14.11.2017. He would submit that they were under the impression that they have not been add an accused and that now they understand that the respondent has filed the final report, wherein, the petitioners have been arrayed as accused.

4.The learned Additional Public Prosecutor appearing for the State would submit that there was a group clash in the village and that 34 named persons and others assaulted the defacto complainant and his family members, resulting in the death of one Sekar and Ramakrishnan. He would submit that the investigation has been completed and the final Report has been filed before the learned Judicial Magistrate, Maduranthagam and the case is pending committal in PRC.No.13 of 2018 on the file of the learned Judicial Magistrate, Maduranthagam. He would submit that the petitioners have been arrayed as A44, A40, A41 and A43 respectively. He would submit that similarly placed accused have been granted anticipatory bail by this Court on 14.11.2017 in Crl.O.P.No.21437 of 2017.

5. Taking into consideration the facts of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Maduranthagam, on condition that each of the petitioner 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(b) the petitioners shall appear before the learned Judicial Magistrate, Maduranthagam daily at 10.30.a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness during trial.

(d) the petitioners shall not abscond during trial.

-sd/-
18/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
MADURANTHAGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHUNAMBEDU POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S.V.M.R.RAJENTREN Advocate on payment of necessary charges SR NO.13417

CRL OP.17539/2018

Date :18/07/2018

MK:24/07/2018