



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

Wednesday, the Fourteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3950 of 2018

1 PERUMAL @ MARIPERUMAL
2 SERMACHAMY

... PETITIONERS/A1 & A2

Vs

STAT THROUGH,
THE SUB INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.4/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.K.MANICKAM, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2, were arrested and remanded to judicial custody on 05.01.2018 for the offence punishable under Section 302 IPC in Crime No.4 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners herein are said to have assaulted the deceased by using knife and committed the offence of murder. Thus, on complaint, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are in judicial custody from 05.01.2018. Hence, he prays for bail.

<https://hcservices.ecourts.gov.in/hcservices/> 4.The learned Government Advocate (Criminal Side) appearing for the State submitted the investigation of the case is under progress.



5. The submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the petitioners herein are the sons of the deceased, born through the first wife. Since the deceased refused to partition the property, on 05.01.2018, at about 5.00 am, the petitioners assaulted the deceased by using knife and wooden log and committed the offence of murder. The petitioners are in judicial custody from 06.01.2018. Considering the relationship between the petitioners and the defacto complainant and also considering the period of incarceration, this Court is inclined to enlarge the petitioners on bail subject to some stringent conditions. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(I) each of the 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 No. I, Sattur.

(ii) the petitioners shall stay at Karaikudi and report before the Inspector of Police, South Police Station, Karaikudi, daily at 10.00 a.m., until further orders.

(iii) the petitioners shall not tamper with the 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-
14/03/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, KARAIKUDI.

5 THE OFFICER-IN-CHARGE,
DISTRICT JAIL, VIRUDHUNAGAR

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

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.55170

ORDER

IN

CRL OP(MD) No.3950 of 2018

Date :14/03/2018

PK/PN/SAR-2/14.03.2018 : 3P/8C