



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22831 of 2018

1 KANI BALAN

2 VINOTH

... PETITIONER / ACCUSED Nos. 3 & 4

Vs

THE STATE OF TAMILNADU,
REP. BY ITS INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO.274/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.VELMURUGAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / A3 & A4 are remanded to judicial custody in Crime No.274 of 2018 on the file of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 302 IPC and they seek bail.

2.The case of the prosecution is that the petitioners and other accused have assaulted the defacto complainant and his family members, due to dowry demand, in which the father of the defacto complainant succumbed to injuries. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate [Criminal Side] for the respondent State.

4.According to the petitioners, earlier the accused were assaulted by the de facto complainant, for which, a separate case has been registered in Crime No.275 of 2018 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002. The petitioners and the defacto complainant are close relatives and no weapons have been used.



5. The learned Government Advocate [Criminal Side] opposed for grant of bail. He submitted that the first petitioner surrendered on 29.11.2018 and the second petitioner was arrested on 07.11.2018. Originally the case was registered as against 11 named accused and during investigation, names of five accused have been deleted and now case rests with six accused alone. Among the six accused, two accused who have been originally arrayed as A7 & A8 and now arrayed as A5 & A6 were granted bail by this Court in CrI.O.P.(MD)No.21000 of 2018 on 30.11.2018.

6. Considering the facts and circumstances of the case and also taking into consideration the nature of the offence and the petitioners and the defacto complainant are close relatives and also the fact that the petitioners are in judicial custody from 07.11.2018 and A5 & A6 have already been granted bail by this Court, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Elayankudi, Sivagangai District.

(ii) the petitioners shall stay at Trichy and report before the Trichy Cantonment Police Station daily at 10.30 a.m., until further orders;

sd/-
27/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
ELAYANKUDI, SIVAGANGAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT
- 4 THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION
TRICHY.



5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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+1. CC to MR.R.VELMURUGAN Advocate SR.No.24033

ORDER

IN

CRL OP (MD) No.22831 of 2018

Date :27/12/2018

MSI/AC/SAR-I/27.12.2018-3P/8C