



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

Friday, the Second day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.20093 of 2018

SAKTHIVEL

... PETITIONER / ACCUSED NO.5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALAGAPPAURAM POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO. 59 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.KATHIRVELU, Senior Counsel
for MR.V.KARUNA Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 14.10..2018 for the offences punishable under Sections 302, 450, 201 and 202 of IPC, in Crime No.59 of 2018 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that on 14.10.2018, the deceased, namely, Illacheziam, W/o.Vairavan attacked A-2, who is aged about 13 years boy, due to grassing of the hen and goats entered into her land and also there was a previous enmity between them. On 14.10.2018, the deceased attacked A-2 by broom and he informed the same to the first accused, who is her own sister aged about 19 years. Immediately, A-1 and A-2 came to the deceased house and attacked him with cricket bat and iron rod, thereby the deceased died on the spot. Thereafter, it was informed to their mother, who impleaded as A-3 and also informed to A-4 and A-5. The present petitioner destroyed the evidence of the weapons and he prevented A-1 and A-2 to keep away the things used for attacking the deceased. hence, the complaint.



3. The learned counsel for the petitioner would submit that there are totally four accused, in which, the petitioner arrayed as 5th accused. He is the brother of A-3. After informing the incident, A-5 instructed A-1 and A-2 keep away the weapons used during the occurrence. Further, he instructed to A-1 and A-2 to throw away, whatever the material taken from the deceased house. Therefore, a false case has been foisted against the petitioner. He further submitted that the petitioner is in judicial custody from 14.10.2018 onwards. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are five accused, in which, the petitioner is arraigned as accused A-5, on instructions, the weapon used for the occurrence, namely, iron rod and cricket bat were kept away and also destroyed. He is also one of the conspirator. Therefore, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the First Information Report, when the hens and goats were grassed by the second accused aged about 13 years, the deceased attacked the A-2 with broom. It was informed to the A-1 and immediately he went to the deceased house and attacked the deceased. Therefore, the deceased died. It was informed to A-3, A-4 and also A-5. Therefore, even as per the case of the prosecution, he instructed A-1 and A-2 to keep away the weapons used for the occurrence.

6. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) 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 learned Judicial Magistrate, Karaikudi.

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

sd/-
02/11/2018

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>
THE JUDICIAL MAGISTRATE,
KARAIKUDI.



2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
ALAGAPPAURAM POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.V.KARUNA Advocate SR.No.21187

ORDER
IN
CRL OP(MD) No.20093 of 2018
Date :02/11/2018

JM/VR MMS/SAR 1/02.11.2018/3P/7C