



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

Wednesday, the Tenth day of October Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.16116 & 16862 of 2018

PESSI VIJAYABALAN

... PETITIONER / ACCUSED NO.5
IN CRL OP(MD) No.16116 of 2018

SELVARAJ

... PETITIONER/ACCUSED NO.2
IN CRL OP(MD) No.16862 of 2018

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CHATHIRAKKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR NO.118 OF 2018)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

S.VINCENT

... PETITIONER/INTERVENER
IN BOTH THE PETITIONS

For Petitioner : M/S.R.M.ARUN SWAMINATHAN Advocate
IN BOTH THE PETITIONS

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor
IN BOTH THE PETITIONS

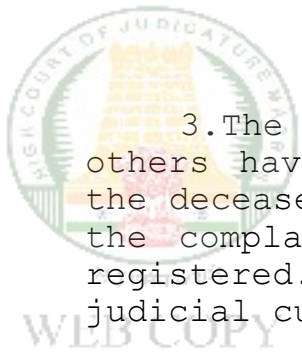
For Intervenor : MR.JEYAKUMARAN, Advocate
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners in both petitions are in judicial custody since 26.08.2018, for the offences punishable under Sections 147, 148, 294 (b), 342 and 302 of IPC in Crime No.118 of 2018 on the file of the respondent police. They seek bail.

2.Heard the learned counsel for the petitioners, the learned counsel appearing for the intervenor and the learned Additional Public Prosecutor appearing for the respondent.



3.The case of the prosecution is that the petitioners and 3 others have unlawfully assembled with deadly weapons and attacked the deceased and murdered him. The deceased died on 26.08.2018. On the complaint lodged by the son of the deceased F.I.R. has been registered. Hence, the petitioners were arrested and remanded in judicial custody.

4.The counsel for the petitioner submitted that there is no eye witness and it is the case of circumstantial evidence. On the confession of the third accused, the petitioners have been arrayed as Accused Nos.1 and 5. One week before the date of occurrence, there is a wordy quarrel in respect of cutting the seemakaruvelai trees in the agricultural field. Further, he would submit that the petitioners' family excommunicated from the village people since they have drawn water from public water source and selling the water on commercial purpose. Therefore, there are enmity between the villagers and the petitioners' family. Therefore, they have been falsely implicated in the present case.

5.The learned counsel for the intervenor submitted that he is the son of the deceased. The petitioners are neighbours to the agricultural field of the deceased. They dig a Well on their land and they have drawn water for commercial purpose and on transporting the same they damaged the bridge. When, the said act was questioned by the deceased and his family members, there was a wordy quarrel between them. Due to that motive, the petitioners and 3 others unlawfully assembled and brutally attacked the deceased and due to that the deceased sustained grievous injury on head and died. Therefore, he vehemently objected the grant of bail.

6.The learned Additional Public Prosecutor would submit that on confession of A3 and other accused persons, the petitioners were implicated as accused Nos.1 and 5. The first accused is the main person and who is the master brain of the entire incident. Though there is no eye witness, all the villagers have pointing out the petitioners and also there is materials to show that the petitioners committed the offences. Further, he would submit that the investigation is pending and they are awaiting for chemical analysis report.

7.It is seen from the confession of A3, that due to the neighbours dispute between the petitioners' family and deceased family in respect of Seemaikaruvelai trees, the petitioners attacked the deceased. Further, it is seen from the submission of the learned counsel for the intervenor that when the petitioners have drawn water from their Well and proceed it for sales and caused damage to the bridge. When, it was questioned by the deceased, quarrel was arose between the family members of the deceased and petitioners. Moreover, the medical record of A5 shows that it is abnormal record and Suggestive of Seizure disorder. It is also seen that there is no eye witness and it is only case of circumstantial evidence. Further, the petitioners are incarceration from

26.08.2018. Considering, the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners with stringent conditions. Accordingly, the petitioners in both Criminal Original Petitions 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) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi.

(ii) the petitioner in Crl.O.P.(MD)No.16862 of 2018/Accused No.1 shall stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, Madurai, daily at 10.30 a.m. until further orders.

(iii) the petitioner in Crl.O.P.(MD)No.16116 of 2018/Accused No.5 shall appear before the respondent police as and when required.

sd/-
10/10/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
CHATHIRAKKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.
- 5 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +2. CC to M/S.R.M.ARUN SWAMINATHAN Advocate SR.No.19333, 19334
+1. C.C. to M/S.J.JEYAKUMARAN, Advocate SR.No. 19314

ORDER
IN
CRL OP(MD) No.16116
& 16862 of 2018
Date :10/10/2018

JM/PN/SAR 1/10.10.2018/2P/10C