



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17671 of 2018

1 SELVAM

2 RAJAPANDI @ PULIKUTTI

3 DURAIPANDI

... PETITIONER / ACCUSED 1-3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
UTHAPPANAICKANOOR POLICE STATION,
MADURAI DISTRICT.

(CR NO.136/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KRISHNAMOORTHY 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 petitioners/A1 and A2, who were arrested and remanded to judicial custody since 05.08.2018 and the petitioner, who was arrested and remanded to judicial custody since 12.08.2018, for the offences punishable under Sections 294(b), 323, 324, 506(ii) of I.P.C. @ under Section 302 of of I.P.C.in crime No.136 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 02.08.2018, when the deceased was working on his field, A1 to A3 attacked the deceased with crowbar and spade in respect of irrigation of water to their respective fields. Initially, since the deceased sustained grievous injuries, the case has been registered for the offences under Sections 294(b), 323, 324 and 506(ii) of I.P.C. and subsequently, since the deceased died on 10.08.2018, the offence has been altered into under Section 302 of I.P.C.

3.The learned counsel appearing for the petitioners would submit that there is no previous motive for the petitioners/accused to kill the accused and only due to the dispute with regard to irrigation of water to their respective field, the occurrence had



taken place. He further contended that since the deceased was not properly treated, he died on 10.08.2018 and the petitioners are agriculturists and they are incarceration from 05.08.2018 and 12.08.2018 respectively.

4. The learned Additional Public Prosecutor would submit that with regard to the dispute of irrigation of water to the lands, the petitioners attacked the deceased with crowbar and spade on 02.08.2018 and he died on 10.08.2018 and hence, the case has been altered to 302 of I.P.C. and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration by the petitioners from 05.08.2018 and 12.08.2018 respectively, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) each of the petitioners 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, Usilampatti;

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

sd/-

09/10/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
USILAMPATTI.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE
UTHAPPANAICKANOOR POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.KRISHNAMOORTHY Advocate SR.No. 19205

ORDER

IN

CRL OP(MD) No.17671 of 2018

Date :09/10/2018