



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

Tuesday, the Second day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4191 of 2019

1 ARJUNAN
2 VEERASEKAR
3 ILAIYARAJA
4 KANNADHASAN

... PETITIONERS / ACCUSED NOS.1,6 TO 8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION
PUDUKKOTTAI DISTRICT
CRIME NO.60 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.KARTHICK SUBRAMANIAN, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

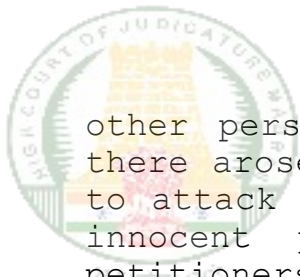
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 01.02.2019 for the offences under Sections 147, 148, 294 (b), 323, 324, 341 and 302 of IPC in Cr.No.60 of 2019, on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the *de facto* complainant is the brother of the deceased person. On 31.01.2019, when the defacto complainant along with the deceased person were preparing for cultivation of Kanmaikarai Prompoke land, at the time, the petitioner and other accused persons entered into the Kanmaikarai land and attacked the deceased person and other persons with Aruval and wooden log, thereby the deceased and other persons sustained injuries and all the injured persons were taken to the hospital. Thereafter, the deceased person died in the hospital. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. In fact, the defacto complainant and



other persons encroached the Kanmaikarai Poramboke Land for which there arose a wordy quarrel between them and there was no intention to attack the injured persons. He would also submit that they are innocent persons. Hence, he would pray for bail for the petitioners.

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4.The learned Additional Public Prosecutor would submit that the petitioners joined together and attacked the deceased and other persons due to which some of the persons sustained grievous injurious and one person died in the hospital. He would further submit that the investigation is almost over.

5.Considering the nature of the case and considering the period of incarceration, I am inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi, and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/04/2019

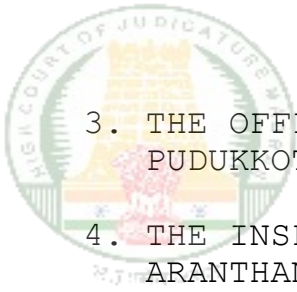
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



3. THE OFFICER INCHARGE, DISTRICT PRISON,
PUDUKKOTTAI.

4. THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1. CC to Mr.S.KARTHICK SUBRAMANIAN, Advocate SR.No.5996

ORDER

IN

CRL OP (MD) No.4191 of 2019

Date :02/04/2019

MS/PN/SAR-4/02.04.2019/3P.7C