



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

Wednesday, the Twenty Fourth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.4547 and 5834 of 2019

1 ABDUL MAJITH

2 DANI RANJITHKUMAR

... PETITIONERS / ACCUSED No.3 and 6
in CRL OP(MD)No.4547 of 2019

1.MATHANI @ SYED ATHUKAM MATHANI

2.ABDUL SAMATHU

... PETITIONERS / ACCUSED No.4 and 5
in CRL OP(MD)No.5834 of 2019

Vs

THE STATE BY
THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
Crime No.29/2019

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioners : Mr.K.M.KARUNAKARAN Advocate
in CRL OP(MD)No.4547 of 2019

For Petitioners : Mr.C.SURESH KANNAN Advocate
in CRL OP(MD)No.5834 of 2019

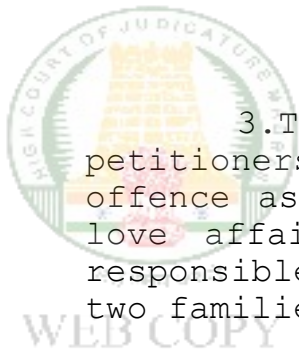
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor
in BOTH PETITIONS

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 since 19.01.2019 and 20.01.2019 for the offences punishable under Sections 174(3) Cr.P.C @147,342 and 302 of IPC in Crime No.29 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1's daughter and the deceased brother loved each other and A1's daughter went along with deceased brother for which A1 and others invited the deceased for compromise in his house and gave biscuit and tea and thereafter he vomited and taken to hospital and after taking treatment for 11 days, he died in the hospital. Hence, the complaint.



3.The learned for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. In fact A1's daughter had love affair with the deceased brother, for which they are not responsible for that and they simple proposed for compromise between two families. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that after taking treatment he died in the hospital and investigation is pending.

5.Considering the facts and circumstances of the case and also considering period of incarceration and also considering the fact that the petitioners are the relatives of the A1, this Court is inclined to grant bail to the petitioners.

6.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 two sureties, of whom, one should be a blood related surety, for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thanjavur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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 petitioner 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 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/-
24/04/2019

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TO

1. THE JUDICIAL MAGISTRATE NO III,
THANJAVUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.

4. THE SUPERINTENDENT
CENTRAL PRISON, TRICHIRAPPALLI.

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

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.7111

+1. CC to Mr.C.SURESH KANNAN Advocate SR.No.7100

ORDER

IN

CRL OP (MD) Nos.4547 and
5834 of 2019

Date :24/04/2019

TK/PN/SAR-1/24.04.2019/3P/8C