



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4988 of 2019

1 HARIRAMAN
2 MADAKANNU

... PETITIONER / ACCUSED No. 3 & 7

Vs

THE INSPECTOR OF POLICE,
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.19/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.SATHYA CHIDAMBARAM 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 since 25.01.2019 for the offence punishable under Sections 147,148,294(b),307,506(ii) of IPC altered to 147, 148, 120(b), 302, 506(ii) r/w. Section 34 of IPC in Cr.No.19 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is wife of deceased Veluchamy. The deceased Veluchamy and one Chellakutti are close friends. There was a family dispute between the said Chellakutti and his wife Selvi due to which the defacto complainant's husband Veluchamy threatened Chellakutti's wife due to which the wife of the Chellakutti had lodged a complaint against the deceased person and his friend. As a result both were arrested and remanded to judicial custody. After release on bail, the deceased person abused A8/wife of the Chellakutti and her family thereby the wife of the deceased Chellakutti and his relatives joined together and attacked the deceased with deadly weapons, thereby both sustained fatal injuries and lost their lives. Hence, this complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any



offence as alleged by the prosecution. He would further submit that the petitioners are not available in the scene of occurrence and there is no specific overt act against the petitioners. Hence, he prays for bail.

4. The learned Government Advocate (Crl. Side) would submit that already this Court granted bail with A8/Selvi who is the wife of Chellakutti. He would further submit that the petitioners are not present in the scene of occurrence and there is no specific overt act against the petitioners.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that there is no specific overt act against the petitioners, 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) 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 No.V, Tirunelveli 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 daily at 10.30 a.m and 5.30 p.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/-
03/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO V
TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE,
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI

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

+1. CC to MR.SATHYA CHIDAMBARAM Advocate SR.No.6046

ORDER

IN

CRL OP (MD) No.4988 of 2019

Date :03/04/2019

MSI/MMS/SAR 1/03.04.2019/3P-7C