



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.5073 of 2019

1 VINOTH
2 ANIL @ RENGARAJ
3 KUNDULU @ SELVAM
4 CHELLAMUTHU
5 SARAVANAN
6 AYYASAMY
7 MATHI @ MATHIYAZHAGAN

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
Crime No.39 of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.SHANMUGAM Advocate

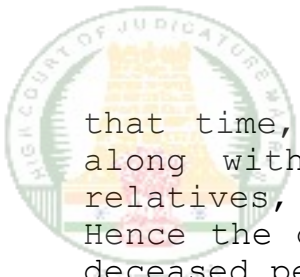
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners 1 to 4 were arrested and remanded to judicial custody on 09.02.2019 and the petitioners 5 to 7 were arrested and remanded to judicial custody on 11.02.2019 for the offence punishable under Sections 147,148, 294(b), 324, 307 and 302 of IPC in Crime No.39 of 2019, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.02.2019, the first accused namely Moorthy along with other named accused persons called the deceased person for settle the amount related to the real estate business. On believing his words, the defacto complainant along with his father and his younger brother's father-in-law and father-in-law's son went to the said first accused's house. At



that time, a wordy quarrel arose between them and the petitioners along with other accused attacked the deceased persons and his relatives, thereby they sustained injuries and died on the spot. Hence the defacto complainant, who is one of the son-in-law of the deceased person lodged a complaint against the petitioners.

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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. He would further submit that based on the confession statement given by the first accused the petitioners are implicated in the said case. Hence, he prays for bail.

4.The learned Government Advocate (Crl. Side) would submit that there is no previous case against the petitioners. He would further submit that investigation almost over.

5.Considering the period of incarceration and also considering the fact that there is no previous case pending 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 District Munsif cum learned Judicial Magistrate, Keeranur 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



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

sd/-
03/04/2019

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/ TRUE COPY /

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

TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KEERANUR.
 2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.SHANMUGAM Advocate SR.No.6027

ORDER
IN
CRL OP(MD) No.5073 of 2019
Date :03/04/2019

TK/VR/SAR-1/03.04.2019/3P/7C