

3. The defacto complainant, who was in Coimbatore, received a call from the villagers that his father was found dead, he rushed to the place and made a complaint to the respondent Police. Based on the complainant, the case was initially registered for an offence under Section 174 of Cr.P.C., and later on, it was altered into one under Section 302 of IPC. On enquiry with the villagers, he had come to know about the incident and lodged a complaint suspecting some of the villagers, who have assaulted his father and the reason for his father's death.

4. The learned counsel appearing for the petitioners would submit that the occurrence is said to have taken place on 16.05.2017 and the accused/A3 was arrested in this case is on 27.11.2018 and thereafter, on his confession, the petitioners have been arrayed as accused. The admitted case is that there was no weapon used on the deceased, who had created disturbance and had picked up quarrel with the villagers and stopped celebration of the temple festival. Due to the animosity between northern side and southern side, the petitioners have been roped in as accused. He would further submit that most of the witnesses in this case are in the nature of hearsay.

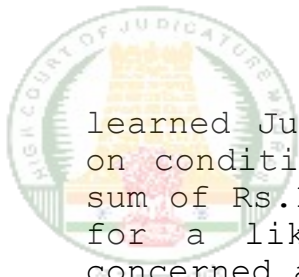
5. The learned Government Advocate (Crl.side) appearing for State would submit that the petitioners herein are arrayed as A1, A2, A4, A5. The Accused No.3 had already been arrested. On receipt of complaint from the defacto complainant, investigation has been carried out. He would further submit that there have been some contusion and abrasions on the body. He would further submit that investigation in this case almost completed and final report is ready.

6. I have heard the learned counsels appearing on either side and perused the materials available on record.

7. On perusal of the final report, the cause of death has been given as internal injuries and haemorrhages. The Government Doctor had opined that the injuries could have been happened to the accused due to fall of the accused on a hard surface. Further the Village Assistant had categorically stated that the deceased is a person, who had created trouble and disturbance and thereafter, he was sent home and the drama was stopped for some time. The Deputy Superintendent of Police had visited the village and had pacified both the groups and thereafter, the drama was continued to be played, posting police pickets.

8. Considering the rival submissions and the investigation has been completed and draft charge sheet has already been prepared and the charge sheet is to be filed, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions;

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the



learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District, on condition that the petitioners shall execute each 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 Magistrate concerned and on further condition that;

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[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police, daily at 10.00 a.m., until further orders, for interrogation.

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
<https://hcservices.courts.gov.in/hcservices/>
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

+1. CC to Mr.S.B.KANNAN Advocate SR.No.536

ORDER

IN

CRL OP (MD) No.22955 of 2018

Date :09/01/2019

TK/VR/SAR-3/11.01.2019/4P/6C