



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11276 of 2019

1. Muthuramalingam
2. Malaikannan
3. Dineshkumar

... Petitioners/Accused 2 to 4

Vs

State Rep.by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.43 of 2019).

... Respondent/Complainant

For Petitioners: M/s.K.R.Laxman,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

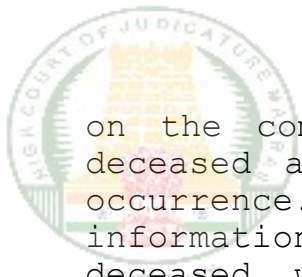
For Bail in Crime No.43 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused No.2 to 4 seeking bail for the alleged offence punishable under Sections 120-B and 302 of IPC, in Crime No.43 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners herein are accused No.2 to 4. He further submitted that in the FIR, the first petitioner name is mentioned but, the name of the petitioners 2 and 3 have not been mentioned in the FIR only based on the confession said to have been given by A1, the petitioners 2 and 3 have been arrayed as accused No.3 and 4. He further submitted that the FIR was registered based



on the complaint given by one Vijaya who is the mother of the deceased and she has not stated that she has directly seen the occurrence. On the contrary, she has stated that only she heard information from one Arun as the accused persons have attacked the deceased with Aruval and knife and caused death. He further submitted that the said Arun has not given any complaint and therefore, the allegation that the petitioners herein have committed offence is false. He further submitted that the petitioners were arrested and remanded to judicial custody on 08.06.2019 and from that date onwards they are in custody and by this time the investigation might have been completed and therefore, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that totally four accused persons involved in this case. He further submitted that though the name of the petitioners 2 and 3 not mentioned in the FIR, it is clearly stated that apart from A1 and A2 two more persons also involved in the above crime. He further submitted that at the time of occurrence, one Arun has accompanied the deceased and the said Arun has seen the occurrence and he informed the mother of the deceased about the offence committed by the accused persons and hence, the mother of the deceased has lodged a complaint and based on the same FIR has been registered. He further submitted that A1 has voluntarily appeared before the Village Administrative Officer and gave confession in which he has categorically stated that these petitioners also involved in the above crime and attacked the deceased with deadly weapons and based on the same, the petitioners 2 and 3 have been arrayed as accused. He further submitted that after arrest, weapons recovered from the petitioners 1 and 2 and two wheeler has been recovered from the petitioner No.3. He further submitted that the investigation not yet completed and hence, he strongly opposed this petition.

5.Taking into consideration of the fact that even though it is stated in the FIR, that one Arun has accompanied the deceased at the time of occurrence, he has not lodged any complaint, on the contrary, the deceased's mother has lodged a complaint in which he has stated that he came to know about the occurrence only through the said Arun and also the fact that the petitioners are in custody from 08.06.2019 and by this time a major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] 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 each for a like sum to the satisfaction of the Judicial Magistrate Court, Kamuthi.



[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KAMUTHI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. K.R. LAXMAN Advocate SR.No.13682

ORDER IN
CRL OP(MD) No.11276 of 2019
Date :19/08/2019

MS/VR/SAR-4/19.08.2019/3P.7C