



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/09/2019
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.12030 of 2019

1. Arivalagan,
2. Muthu @ Nadimuthu, ... Petitioners/Accused Nos.1 & 2

Vs

State rep.by its
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
(In Crime No.204 of 2019). ... Respondent/Complainant

For Petitioners : M/s. R. Meenakshi Sundaram,
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Kumaravel, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C. PRAYER :-

For Bail in Crime No.204 of 2019 on the file of the respondent

ORDER : The Court made the following order :-

The petitioners are in custody since 24.06.2019 for the offences under Sections 294(b), 323, 324, 307 @ 302 of I.P.C.

2.The petitioners are auto drivers. There arose a dispute among the auto drivers of the stand in which the petitioners are plying their autos. The petitioners are said to have damaged the glass panes of the auto belongs to the deceased/Mayakanan and that the matter was compromised. Enriched by the act of the deceased in lodging a complaint, the accused in this case are said to have attacked the deceased on 21.06.2019 at about 09.00 p.m. The deceased sustained serious injuries and died on 28.06.2019. That is why, FIR was altered and the offence under Section 302 of I.P.C. was incorporated. The learned counsel appearing for the petitioners submits that the petitioners are in prison for more than 72 days and that therefore this Court may be pleased to grant bail.

3.The request for bail is strongly opposed by the learned



Government Advocate (Crl. Side) as well as the learned counsel appearing for the intervener.

4.It is stated that the attack is deliberate and planned one. It is also submitted that the parties belong to different communities and that tension is prevailing in the locality.

5.I carefully went through the FIR and also heard the submissions. It is seen that the primary allegations are more against Al/Arivalagan, it is he who was responsible for the entire occurrence. It is he who had attacked the deceased with iron rod. The second petitioner is said to have hit the deceased only with a stick. There is no previous case against the second petitioner.

6.Taking note of the serious allegations made against the first petitioner and the objection raised by the learned Government Advocate (Crl. Side), this criminal original petition is dismissed as far as the first petitioner is concerned. However, the second petitioner is granted bail.

7.Since the learned Government Advocate (Crl. Side) states that there is tension in the locality, the second petitioner is directed to stay at Madurai for a period of two months. The second petitioner will not enter the district limits of Ramanathapuram. The counsel for the petitioners states that he will not apply for modification or relaxation of this condition. Recording the undertaking given by the petitioners' counsel, the second petitioner alone is granted bail. Accordingly, the Second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the Second petitioner shall execute 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 Judicial Magistrate, Ramanathapuram.

(ii) the Second petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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 Second petitioner 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].

sd/-
05/09/2019

/ TRUE COPY /

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

