

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.7869, 7870, 7880, 7872, 7879 & 7871 of 2020

1.MURUGSAN @ MURUGARAJ .. Petitioner in Crl.O.P.No.7869 of 2020
2.MURUGANANTHAM .. Petitioner in Crl.O.P.No.7870 of 2020
3.CHANDRAN .. Petitioner in Crl.O.P.No.7880 of 2020
4.RAJA @ MUTHURAJA .. Petitioner in Crl.O.P.No.7872 of 2020
5.SUDHAKAR .. Petitioner in Crl.O.P.No.7879 of 2020
6.PONNUSAMY .. Petitioner in Crl.O.P.No.7871 of 2020

Vs.

The State Rep. By
Inspector of Police
Mannargudi Taluk Police station,
Thiruvarur District
Crime NO: 689 of 2020

... Respondent in all Crl.O.Ps

Common Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 689 of 2020 on the file of Inspector of police, Mannargudi Taluk police station, Thiruvarur District.

For Petitioners in all Crl.O.Ps : Mr .Swami Subramanian

For Respondent in all Crl.O.Ps : Mr.S.Karthikeyan
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.05.2020 for the offence punishable under Sections 147, 148, 341, 294(b), 324, 506(ii) of I.P.C @ 147, 148, 341, 294(b), 324, 506(ii) and 302 of I.P.C in Crime No. 689 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and the deceased are husband and wife. On 06.05.2020 at about 11.00 P.M. the deceased received a whatsapp message from one kavipriya. The deceased and the defacto complainant went to Kavi priya's house, informed her mother viz., Vijayarani about the message of her daughter. Thereafter, on 07.05.2020 at about 02.00 P.M, the petitioners along with other accused in this case who are all

relatives of Kavipriya and Vijayarani, taking offense on the act of the deceased in support of Kavipriya and Vijayarani. Therefore, attacked the deceased. The 1st petitioner herein attacked the deceased with crowbar on his head and the 2nd accused in this case attacked him with iron rod and the 3rd accused in this case attacked him with wooden log on his head and face and thereafter the 4th, 5th and 6th accused in this case attacked him with wooden log on all over the body of the deceased as a result, the deceased died on 08.05.2020. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioners, deceased as well as the said Kavipriya are all neighbors and relatives. The said Kavipriya had sent whatsapp message to the deceased at odd hours on 06.05.2020. Therefore, the deceased and his wife had gone to the house of the said Kavipriya questioned the same with her mother viz., Vijayarani and they were warned not to indulge in such activity. On 07.05.2020, the relatives of the Vijayarani had taken offense of the act of the deceased, attacked him with crowbar, iron rod and wooden logs and the deceased had sustained injuries and fell down on the ground. Thereafter the deceased was taken to the hospital and he later died on 08.05.2020. He further submitted that the petitioners are agricultural coolies and no way connected with the alleged offence and they have no bad antecedents. When they came to know about the death of the deceased, the petitioners surrendered before the respondent police but the respondent police shown arrest of the accused otherwise. Even as per the case of the prosecution, the incident took place due to wordy quarrel, sudden provocation and there was no pre medication to do away with the deceased. He would further submit that the petitioners are in judicial custody from 09.05.2020 and therefore, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the deceased is the neighbour of Vijayarani. Her daughter Kavipriya was constantly disturbed by the deceased by sending whatsapp messages at odd hours. The Vijayarani, mother of the Kavipriya informed her relatives/the accused persons, about the illegal and immoral act of the deceased. The accused took offense of the act, attacked the deceased with crowbar, iron rod and wooden logs and caused his death. Hence he objected to grant bail to the petitioners.

5. Considering the submissions and materials, it is seen that the petitioners and the deceased as well as Vijayarani and Kavipriya are all relatives residing in a neighbourhood houses. There seems to be some exchange of whatsapp messages between the Kavipriya and the deceased. The deceased being a married man had caused disturbances to the said Kavipriya. Despite, Vijayarani, the mother of Kavipriya warning the deceased to stop such activities, he had been continuously harassing the said Kavipriya which was questioned by the accused who are none other than the relatives. Thereafter wordy quarrel arose and due to sudden provocation the occurrence had taken place.

6. Considering the above facts and circumstance of the case and the period of incarceration, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically; (c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police as and when required for interrogation;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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].

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

09/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT

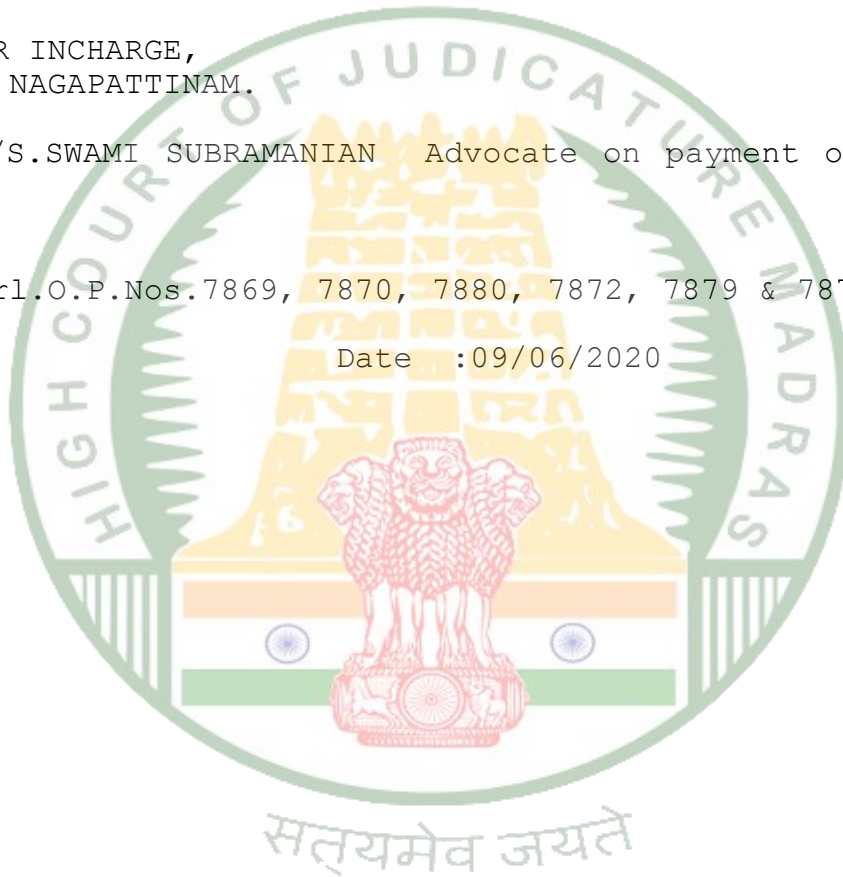
4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges

Crl.O.P.Nos.7869, 7870, 7880, 7872, 7879 & 7871 of 2020

Date :09/06/2020

RVR 16/09/2020



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