



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/02/2020

PRESENT

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

CRL OP (MD) . Nos.2937 and 2939 of 2020

1. Subburaj
2. Subburam
3. Ganesan
4. Ananda Ramkumar @ Ramkumar ... Petitioners/Accused No.4 to 7
in CRL.O.P. (MD) No.2937 of 2020

1. Ramasubbu
2. Selvaraj
3. Muthuraj ... Petitioners/Accused No.1 to 3
in CRL OP (MD) . No.2939 of 2020

Vs

State Rep.by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
Crime No.170/2019.

... Respondent/Complainant
in both Crl.O.Ps

(in both Crl.O.Ps)

For Petitioners : M/s.R.Anand, Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

for bail in Crime No. 170 of 2019 on the file of the
respondent police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are in custody since 12.12.2019 for the
offences under Sectins 147, 342, 294(b), 323 and 302 of I.P.C. r/w.
Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in
Crime No.170 of 2019 on the file of the respondent police. Hence,



3. The case of the prosecution is that when the community meeting was going on, the deceased/Satheesh Kumar had expressed a view which was not acceptable to others conducting the meeting. Satheesh Kumar was virtually lynched.

4. On going through the FIR as well as the confession statements, it is seen that A1/Ramasubbu and A4/Subburaj had alternatively kicked the deceased on his chest. Therefore, these two accused are not entitled to indulgence. Hence, Crl.O.P.(MD) Nos.2937 and 2939 of 2020 is dismissed as far as A1/Ramasubbu and A4/Subburaj is concerned.

5. Investigation appears to have substantially concluded and the final report is yet to be filed. Therefore, even while dismissing the bail petitions as far as A1/Ramasubbu and A4/Subburaj is concerned, I am inclined to enlarge the remaining petitioners on bail with certain conditions. Accordingly, the petitioners 2 to 4 in Crl.O.P.(MD)No.2937 of 2020 and the petitioners 2 and 3 in Crl.O.P.(MD)No.2939 of 2020 are ordered to be released on bail, subject to the following conditions;

(i) the petitioners 2 to 4 in Crl.O.P.(MD)No.2937 of 2020 and the petitioners 2 and 3 in Crl.O.P.(MD)No.2939 of 2020 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two common sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Sattur, Virudhunagar District.

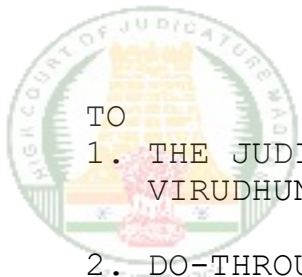
(ii) the petitioners 2 to 4 in Crl.O.P.(MD)No.2937 of 2020 and the petitioners 2 and 3 in Crl.O.P.(MD)No.2939 of 2020 are directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 4 in Crl.O.P.(MD)No.2937 of 2020 and the petitioners 2 and 3 in Crl.O.P.(MD)No.2939 of 2020 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].

sd/-
19/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, SATTUR,
VIRUDHUNAGAR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 4. THE OFFICER INCHARGE, DISTRICT PRISON,
VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to M/S.R.ANAND Advocate SR.Nos.3466 & 3467

ORDER IN
CRL OP(MD) . Nos.2937 and 2939 of 2020
Date :19/02/2020

MS/PN/SAR-1/19.02.2020/3P.8C