



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

Date : 03/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7270 of 2020

1. G.Muthukrishnan
2. Kavin Ravikumar
3. Ganesan

... Petitioners/Accused Nos.1to3

Vs

The State rep. by
The Inspector of Police,
Thisayamvilai Police Station,
Tirunelveli District.
Cr.No. 138 of 2020.

... Respondent/Complainant

For Petitioners : M/s.V.Angusamy,
Advocate.
For Intervenor : Mr.C.Radhakrishnan
Advocate
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

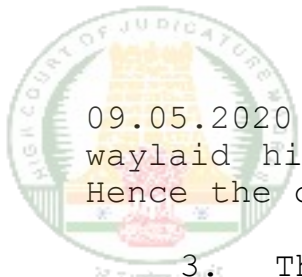
PRAYER :-

For Bail in Cr.No. 138 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1,A5 and A4 herein were arrested on 11.05.2020 for the alleged offences under Sections 120(B),341,302 and 201 of IPC.

2. The deceased Thirupathi Lingadurai is a Homeopathic Doctor and he is the neighbour of the petitioner herein. The case of the prosecution is that there is a civil dispute between the parties and civil suit is also pending between them apart from criminal case. A1 in this case is said to have engaged A2 and A3 who are hiring to murder the deceased and on the date of occurrence i.e.,



09.05.2020 when the deceased was coming in his two wheeler A1 to A3 waylaid him and attacked him with aruval and caused his death. Hence the case was registered and the petitioners were arrested

3. The learned counsel for the petitioners would submit that it is a case of circumstantial evidence and there is no eyewitness to the said occurrence. He would also submit that due to previous enmity and petitioners were falsely implicated and they are innocent. He would further submit that as per the prosecution A1 along with A2 and A3 said to have attacked the deceased and A4 and A5 who are brother and father of A1 were implicated with the aid of 120(B) of IPC and absolutely no specific overt act has been attributed against them.

4. The learned Government Advocate(Crl.Side) would submit that cold blooded murder and due to civil dispute the deceased is said to have been murdered by the petitioners herein.

5. The learned counsel for the intervenor strongly opposed to grant bail to the petitioners on the ground that the petitioners were also involved in the above crime.

6. On perusal of the records it is seen that there is civil dispute between the parties and A1 in this who case who is a practising Advocate engaged hirelings and murdered the deceased and also disposed the body along with two wheeler. So far as the petitioners 2 and 3 are concerned they were implicated only with the aid of 120(B) of IPC that apart there is no specific overt act attributed against them.

7. Taking note of the above facts and circumstances of the case and also taking note of the fact that there is no specific overt act attributed against A4 and A5 and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners 2 and 3 subject to the following conditions:

8. Accordingly, the petitioners 2 and 3 are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioners 2 and 3 shall stay at Thoothukudi and report before Thoothukudi South Police Station daily at 10.30 a.m until further orders.



iii) the petitioners 2 and 3 shall not tamper with evidence or witness.

iv) the petitioners 2 and 3 shall not abscond during trial.

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v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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].

vi) If the petitioners 2 and 3/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. As regards the first petitioner/A1, taking into consideration the gravity of crime committed by him, this Court is not inclined to grant bail to A1. Hence the petition stands dismissed in respect of A1 alone.

sd/-
03/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
RADHAPURAM.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTAI.

<https://hcservices.ecourts.gov.in/hcservices/>



4. THE INSPECTOR OF POLICE,
THISAYAMVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE INSEPCTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.7270 of 2020
Date :03/08/2020

AAV
SRS/ JC/ SAR-III/ 03.08.2020/ 4P/7C