



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

Date : 07/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).Nos.10372 and 10712 of 2020

1. Pasupathi Pandian
2. Oorkavalan
3. Karthick Kumar @ Karthick

... Petitioners/Accused Nos.1,2 & 4
in Crl.O.P(MD) No.10372 of 2020

K.Ashok Kumar

... Petitioner/Accused No.3
in Crl.O.P(MD) No.10712 of 2020

Vs

State Rep.by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.448/2020)

... Respondent/Complainant
in both petitions

(In Crl.O.P(MD) No.10372 of 2020)

For Petitioners : M/s.M.Vinayagan, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

(In Crl.O.P(MD) No.10712 of 2020)

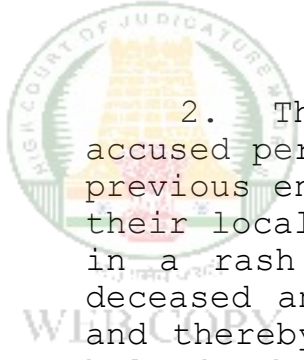
For Petitioner : M/r.V.Kathirvelu, Senior Counsel
for Mr.M.Prabu, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

COMMON PRAYER :- For Bail in Crime No.448 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A1,A2,A4 and A3 herein were arrested on
08.07.2020, 17.07.2020, 08.07.2020 and 08.07.2020 respectively for
the alleged offences under Sections 294(b), 302.506(ii),109 and 120
(B) of IPC.



2. The case of the prosecution is that on 07.07.2020 all the accused persons abused the deceased with filthy language, due to the previous enmity with regard to selling of guava fruits in respect of their locality. While being so, the first accused drove the TATA Ace in a rash and negligent manner with an intention to murder the deceased and dashed against the motor cycle driven by the deceased and thereby committed the murder of the deceased. A2 in this case helped the first accused to murder the deceased.

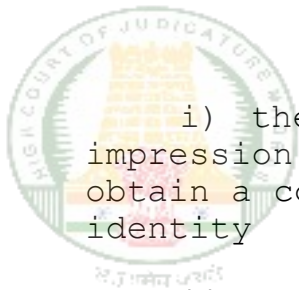
3. The learned counsel for the petitioners would submit that due to previous enmity with regard to selling of guava fruit in their locality there was a previous enmity them. He would also submit that the petitioners are innocent and they have nothing to do with the alleged crime as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that admittedly there was previous enmity between the accused persons and the deceased in respect of selling guava fruits and also in respect of locality. Due to which all the accused persons conspired together and planned the murder of the deceased. Thereafter on 07.07.2020 the first accused drove his vehicle in a rash and negligent manner with an intention to kill the deceased and dashed against the motor cycle which was driven by the deceased, due to which the deceased sustained grievous injuries and died. He would also submit that the respondent police completed investigation and the final report has been filed before the learned Judicial Magistrate No.II, Kovilpatti and the same has been taken cognizance in PRC No.37 of 2020, pending committal.

5. It is seen that it a case of murder. There are four accused in this case and the petitioners herein are arrayed as A1,2,4 and 3 in both petitions. Due to previous enmity the first accused drove the vehicle in a rash and negligent manner with the intention to kill the deceased on 07.07.2020 and dashed against his motor cycle, due to which he sustained injuries and died. The petitioners were arrested on 08.07.2020, 17.07.2020, 08.07.2020 and 08.07.2020 respectively. It is also stated that the respondent police completed investigation and the final report has been filed before the learned Judicial Magistrate No.II, Kovilpatti and the same has been taken cognizance in PRC No.37 of 2020, pending committal.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II,



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 shall report before the respondent police daily at 10.30 a.m and 5.30 pm., until further orders.

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

iv) the petitioners shall not abscond during trial.

v) 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].

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

sd/-

07/10/2020

/ TRUE COPY /

/ /2020

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 NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE OFFICER INCHARGE, DISTRICT JAIL, PERURNI.
5. THE OFFICER INCHARGE, PERAVURANI JAIL, THOOTHUKUDI DISTRICT.
6. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.
7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD).Nos.10372 and 10712 of 2020

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