



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

Date : 26/11/2020

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PRESENT

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

CRL OP(MD). No.13465 of 2020

1. Karthikeyan
2. Manikandan @ Sevuthu Mani ... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
South Gate Police Station
Madurai District
Crime No. 1018/2020. ... Respondent/Complainant

For Petitioners: M/s.AK.Azagarsami,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For bail in Crime No. 1018 of 2020 on the file of the respondent police

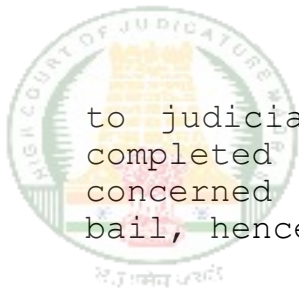
ORDER : The Court made the following order :-

The petitioner/A1 and A2 , who were arrested and remanded to judicial custody on 22.08.2020 for the offences punishable under Sections 341,302,506(ii),147,148 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that there was a property dispute between the first accused and his father since he got married with the second wife and refused to give share of the first accused. Thereafter first accused along with his friends waylaid the deceased, attacked him with deadly weapons, due to which he sustained grievous injuries and died.

3.The learned counsel for the petitioners would submit that the petitioners herein are A1 and A2 and they were arrested and remanded

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to judicial custody on 22.08.2020 and now the respondent police completed investigation and also filed final report before the concerned Court. He further submitted that A3 to A5 were granted bail, hence he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally five accused in this case and the petitioners herein are arrayed as A1 and A2 and they are having specific overt act. He would also submit that the petitioners herein waylaid the deceased, attacked him with deadly weapons and as such he sustained grievous injuries and died. The first accused is none other than the son of the deceased and due to property dispute he had planned to kill his own father. Insofar as the second accused is concerned as per the instruction given by the first accused they had motive and murdered the deceased. He would also submit that if the petitioners are released on bail they will tamper the witnesses and hamper the investigation. Though the respondent police completed investigation and filed the final report before the concerned Court the petitioners have committed the serious offence as against their father, due to property dispute.

5. It is seen that there are totally five accused in this case and the petitioners herein are arrayed as A1 and A2. A1 and A2 are cousin brother. A1 is the son of the deceased. The deceased got married with another woman and refused to give share to his own son, due to which the petitioners along with other accused persons waylaid the deceased attacked him, due to which he sustained grievous injuries and died. Though the respondent completed investigation and filed final report the first petitioner who is the son of the deceased killed his own father for not giving share. As far as the second petitioner is concerned he is the own cousin brother of the first accused and he is also having specific overt act and as such the petitioners have committed serious offence as against their own father. Though other accused were granted bail, this Court is not inclined to grant bail to these petitioners.

6. In the result, this petition stands dismissed.

sd/-

26/11/2020

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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



TO

1. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
2. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13465 of 2020
Date :26/11/2020

AAV
SRS/AKM/SAR-IV/01.12.2020/3P/4C