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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/12/2020

PRESENT

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

CRL OP (MD)Nos.15022,15033,15030, 15034 of 2020

Arumugam	... Petitioner/Accused No.4 in CRL OP (MD)No.15022 of 2020
1.Dharmaraj 2.Rasu	... Petitioner/Accused No.1 and 6 in CRL OP (MD)No.15033 of 2020
Sivasamy	... Petitioner/Accused No.5 in CRL OP (MD)No.15030 of 2020
1.Baskar 2.Raja	... Petitioner/Accused No.2 and 3 in CRL OP (MD)No.15034 of 2020

-vs-

The State rep.by The Inspector of Police, Annavasal Police Station, Pudukottai District. Crime No.446 of 2020.	... Respondent/Complainant in all these petitions
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For Petitioner : Mr.V.Singan, Advocate.
in CRL OP (MD)No.15022 of 2020

For Petitioners : Mr.P.Ganapathi Subramanian, Advocate.
in CRL OP (MD)Nos.15033,15030,15034 of 2020

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
in all these petitions

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

Common Prayer :

For Bail in Crime No.446 of 2020 on the file of the Respondent
Police

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



COMMON ORDER : The Court made the following order :-

The petitioners/A4, A5,A2,A3,Aland A6, who were arrested and remanded to judicial custody on 23.11.2020,09.10.2020,09.10.2020,9.10.2020,12.10.2020 and 12.10.2020 for the offences punishable under Sections 147,148,294(b), 323,324,307 of IPC and Section 4 of TNPHW Act @ 147,148,294(b), 323,324,302 of IPC r/w. Section 4 of TNPHW Act of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that on 07.10.2020 one Ponnammal who is the mother-in -law of the sixth accused died and when the dead body of said Ponnammal was about to taken to burial ground and when the last rites were performed by the relatives in front of the house of the deceased, there was a quarrel between both the families in which all the accused persons attacked the deceased and also other family members also attacked the petitioners, therefore the deceased sustained grievous injuries and died and the other persons also sustained injuries on the attack made by the deceased and other family members also got injuries. On the complaint lodged by the petitioners herein a case has been registered in Crime No. 445 of 2020 as against the deceased and others. In so far as the complaint lodged by the defacto complainant namely the brother of the deceased, the present case has been registered.

3.The learned counsel for the petitioners would submit that due to sudden quarrel between both the family while performing the last rites of the said Ponnammal on the way to burial ground, there was a quarrel in which both the family members sustained injuries and there is no motive for the petitioners to do away the life of the deceased. He further submitted that the petitioners were arrested and remanded to judicial custody on 23.11.2020 ,09.10.2020, 09.10.2020, 9.10.2020,12.10.2020 and 12.10.2020 respectively, hence seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that on 07.10.2020 one Ponnammal who is the mother-in -law of the sixth accused died and when the dead body of said Ponnammal was about to taken to burial ground and when the last rites were performed by the relatives in front of the house of the deceased, there was a quarrel between both the families in which all the accused persons attacked the deceased and also other family members also attacked the petitioners, therefore the deceased sustained grievous injuries and died and the other persons also sustained injuries on the attack made by the deceased and other family members also got injuries. On the complaint lodged by the petitioners herein a case has been registered in Crime No. 445 of 2020 as against the deceased and others. In so far as the complaint lodged by the defacto complainant namely the brother of the deceased, the present case has been



registered. He would also submit that investigation is still pending.

5. It is seen that there are totally seven accused in this case and the petitioners herein are arrayed as A1 to A6. The mother of 6th accused namely Ponnammal died on 07.10.2020 and at about 5.00 p.m., when the body of the deceased Ponnammal was taken to burial ground and when the last rites were performed by the relatives in front of the house of the defacto complainant for doing some customary rites it was objected by the defacto complainant and therefore there was a quarrel in which the both the families members and the accused 1 to 5 assaulted the defacto complainant and his brother and also other family members of the defacto complainant with wooden log and stick. In fact the deceased and other family members of the defacto complainant also attacked the petitioners herein due to which they also sustained injuries. In fact on the complaint lodged by the petitioners herein the case was registered in Crime No. 445 of 2020 for the offences under Sections 147,148,294(b),323,324,307 of IPC. The occurrence said to have taken place in sudden provocation at the time of performing last rites of the deceased Ponnammal.

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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Iluppur, Pudukottai

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 stay at Palani and report before the Palani Police Station daily at 10.30 a.m and 5.30 p.m., 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



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

sd/-
17/12/2020

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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,
ILLUPPUR, PUDUKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, THIRUMAYAM,
PUDUKOTTAI DISTRICT.
- 5.THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
PALANI POLICE STATION, PALANI.

+1 CC to M/s.V.SINGAN, Advocate (SR-8341[I] dated 18/12/2020)

ORDER
IN
CRL OP(MD)Nos.15022,15033,
15030, 15034 of 2020
Date :17/12/2020

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