



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

Date : 05/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) .Nos.309, 314 and 312 of 2021

1. Vasanth
2. Kutti @ Kalaiselvan
3. Manikandan

... Petitioners/Accused No.5,8,9
in Crl.O.P(MD) No.309 of 2021

1. Isravel
2. Bala @ Sathyabala
3. Jeyakumar

... Petitioners/Accused No.1,3 & 10
in Crl.O.P(MD) No.314 of 2021

1. Thaveethu @ Tamilarasan
2. Kanagavel
3. Honest Raj
4. Rajendran

... Petitioners/Accused No.2,4,6 & 8
in Crl.O.P(MD) No.312 of 2021

Vs

State Rep. by
The Inspector of Police,
Paralachi Police Station,
Virudhunagar District.
Crime No.176 of 2020.

... Respondent/Complainant
in all petitions

For Petitioners : Mr.Mohideen Basha,
Advocate.
(In CRL OP(MD) .Nos.309 & 314 of 2021)

: Mr.Mariappan.G, Advocate
(In CRL OP(MD) .No.312 of 2021)

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
(In all the Petitions)

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



COMMON PRAYER :-

For Bail Crime No.176 of 2020 on the file of the Respondent Police

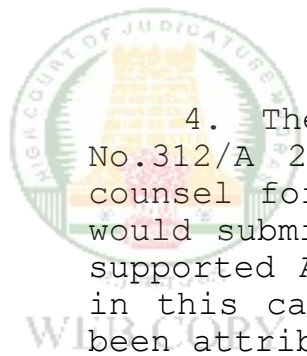
COMMON ORDER : The Court made the following order :-

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The petitioners/A5, A8, A9,A1, A3, A10, A2, A4, A6 and A7, who were arrested and remanded to judicial custody on 18.11.2020, 18.11.2020, 18.11.2020, 06.12.2020, 01.12.2020, 01.12.2020, 17.11.2020, 17.11.2020,21.11.2020 and 21.11.2020 for the offences punishable under Sections 147,148 and 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that there was a previous motive between regarding panchayat election between two families of A1 and the deceased. Hence on the date of occurrence while the deceased was going to Kamudhi in this two wheeler at the instigation of A1, A2 to A11 followed the deceased in a car, indiscriminately attacked the deceased with sickle, iron rod and thereafter drowned him in a stream water and caused his death. Hence the complaint.

3.The learned counsel for the petitioners in Crl.O.P(MD) Nos.309 and 314 of 2021/A5,8,9,1,3 and 10 would submit that the petitioners during the local body election in the month of December 2019 supported Ajmal group and the wife of the Ajmal came out successful in the election. The defacto complainant contested against her and lost the election. Hence there was some grudge between both the groups in connection with the same. Five months prior A1 was attacked by the deceased for which case in Crime No. 36 of 2020 was registered for offences under Sections 324 and 506 (ii) of IPC. On the complaint of the defacto complainant against seven persons in the accused group a case in Crime No. 37 of 2020 was registered for offences under Sections 323,506(i) of IPC and Section 4 of TNPHW Act. Thus there is a strong motive between two groups. Hence on 14.11.2020 the deceased who is doing business in Virudhunagar had come to meet his wife and family members for Deepavali. At about 14.00 hrs while he was proceeding towards Kamuthi knowing the same the accused persons had come in a car behind him and dashed against him and thereafter A1 armed with sickle attacked the deceased on his head and A2 attacked him sickle on his leg and A3 also attacked the deceased with iron rod. Thereafter the deceased was immersed in the water and thereafter the body was taken out and left there. These petitioner have been implicated only based on the confession statement given by A2. According to the defacto complainant she was not present in the scene of occurrence and she has also mentioned names of eight persons. He would also submit that the petitioners have been falsely implicated in this case.



4. The learned counsel for the petitioner in Crl.O.P(MD) No.312/A 2,4,6 and 8 in addition to the submission made by the counsel for the petitioner in Crl.O.P(MD) Nos. 314 and 309 of 2021 would submit that due to election dispute since the petitioners had supported Ajmal Group the petitioners have been falsely implicated in this case. He would also submit that no specific overt act has been attributed as against the petitioners.

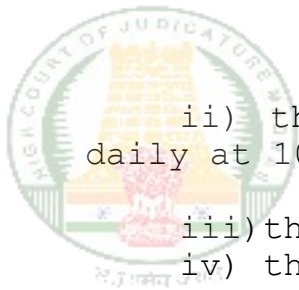
5. The learned Government Advocate(Crl.Side) would submit that that the petitioners/accused had strong motive against the defacto complainant . The defacto complainant and the deceased belong to different community and they had love marriage. The accused persons are relatives of the defacto complainant. The deceased has shifted his business to Virudhunagar and he was in Virudhunagar. He seldom visited his village. On account of Diwali festival he had gone to his village and the petitioners herein followed him and dashed against him and made him fell down and thereafter attacked him with iron rod and sickle and thrown him in the stream. The petitioners and the deceased belongs to different group. It is a case of retaliation murder, therefore there is a law and order problem in the said locality. Though the motive is stated to the local body election which was held in the month of December 2019. For six months the accused persons have planned together and waited to do away the life of the deceased. It is a well planned murder. The entire occurrence had taken place in a remote area and there are eye witness for the said occurrence. He would also submit that waiting for diatom test report.

6. It is seen that there are totally 11 accused in this case and the petitioners are arrayed as A5, A8, A9,A1, A3, A10, A2, A4, A6 and A7. It is also seen that the defacto complainant is the wife of the deceased and she is not an eyewitness to the said occurrence and also there is some political enmity between them. Further from the perusal of the medical report it is seen that there are some discrepancies in the manner in which the death is said to have occurred and the role played by the petitioners.

7. 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:

8. 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, Arupukkottai, Virudhunagar District.

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



ii) the petitioners shall report before the respondent police daily at 10.30 am., 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 petitioner 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/02/2021

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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,
ARUPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
PARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,
MADURAI CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) .Nos.309,314
and 312 of 2021

Date :05/02/2021

AAV

<https://hcmvscs.csb.gov.in/Case/05.02.2021/4P/6C>