



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Reserved on : 02.02.2021

Pronounced on: 04.02.2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.578 of 2021

1. Selvakumar @ Malaichamy
2. Selvam
3. Malairasu
4. Duraisamy

... Petitioners/Accused No.1to4

Vs

The State rep. by  
The Inspector of Police,  
Thiruppuvanam Police Station,  
Sivagangai District.  
(In Crime No.623 of 2020).

... Respondent/Complainant

For Petitioners: Mr.Udhayakumar.R,  
Advocate.

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

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

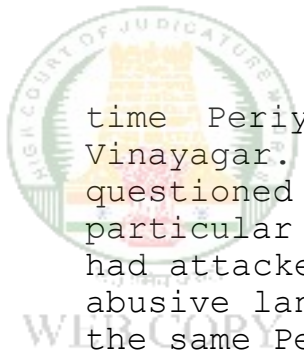
**PRAYER :-**

For Bail in Crime No.623 of 2020 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioners/A1 to A4 , who were arrested and remanded to judicial custody on 20.12.2020 for the offence punishable under Section 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 17.12.2020 at about 7.00 p.m the deceased Periyasamy had demanded the hire charge for his JCB vehicle from Selvakumar at that time Selvam, Malaiarasan, Duraisamy another Malaisamy and Periyampillai were there got apprehended the way Periyasamy demanding hire charges, wordy quarrel arose, Periyasamy was abused, assaulted. The said Periyasamy earlier picked up quarrel with Nagaraj before the village temple, at that

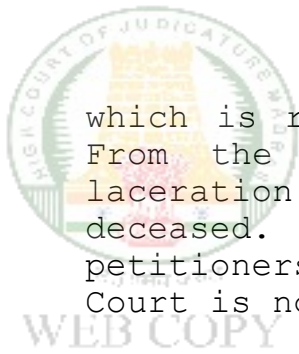


time Periyasamy had caused damage to the Moonjore, Vaganam of Vinayagar. Further he removed the same and took away the villagers questioned the same. There was also dispute in parking the JCB in a particular place. The petitioners taking advantage of the situation had attacked and beaten the said Periyasamy in public severely using abusive language and humiliating the said Periyasamy, unable to bear the same Periyasamy committed suicide by hanging.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been implicated in this case. He would also submit that the defacto complainant is screening the facts and preferred a false complaint against the petitioners and no specific overt act has been attributed as against them. He would also submit that the petitioners are in jail for more than 45 days, hence he may be granted bail.

4. The learned Government Advocate(Criminal Side) would submit that deceased is the owner of JCB which was engaged by A1 and hire charges was pending. On the date of occurrence the deceased had gone to the scene of occurrence where petitioner was present asked the hire charges from A1. A1 and others made attack against the deceased and also scolded the deceased with filthy languages and due to the said humiliation the deceased committed suicide by hanging. Initially First Information Report has been registered against 8 named person after commencement of investigation A5 to A8 dropped by the prosecution. Now only 4 persons were arrayed as accused and the petitioners are arrayed as A1 to A4. Further the Post Mortem Report also reveals that there are number of external injuries in the body of the deceased, which are the marks confirming petitioner assault on Periyasamy. He would also submit that the offence committed by the petitioners are heinous one and if the petitioners are released on bail they will tamper the witnesses and hamper with the investigation.

5. On the submission and materials and perusal of case diary it is seen that the first petitioner had hired JCB from the deceased and for which hire charges were not paid. The deceased had questioned the same and at that time there was a wordy quarrel in which the petitioners assaulted the deceased black and blue. Prior to that the deceased had picked up quarrel with Raman and in heat of passion he had damaged Vinayagar Vahanam(Musk Rat) which was questioned by the petitioners and villagers. Further one of the petitioner opposed and abused the deceased for parking the JCB in the open place of village. Taking advantage of the situation the petitioners harassed, assaulted him and also insulted him and projected Periyasamy as thief who damaged the Vinayagar idol. All compounding together the deceased abetted Periyasamy to commit suicide. The deceased Periyasamy informed his mother and others the humiliation and the assault made on him in public. Later the deceased had also written the name of the petitioner in wall who are the persons and reason for Periyasamy in taking such extreme step



which is recorded in the presence of witnesses and photos taken. From the post mortem certificate it is seen that there are laceration and abrasion on the forehead, face, neck and knee of the deceased. Pointing to the assault by the petitioners and the petitioners are the reason for the death of the deceased, hence this Court is not inclined to grant bail to the petitioners.

6. In the result, the petition stands dismissed.

sd/-

04/02/2021

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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 OFFICER INCHARGE,  
SUB JAIL,  
SIVAGANGAI, SIVAGANGAI DISTRICT.
2. THE OFFICER INCHARGE,  
SUB JAIL,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
THIRUPPUVANAM POLICE STATION,  
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.578 of 2021  
Date :04/02/2021

AAV  
SRS/JC/SAR-IV/09.02.2021/3P/5C