



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

Date : 03/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1384 of 2021

1. Muneeshwaran
2. Saravanakumar @ Vijay
3. Nirmalkumar @ Kutty
4. Muneeswaran

...Petitioners/Accused No.1 to 4

Vs

State rep.by
The Inspector of Police,
Pamban Police Staton,
Ramanathapuram District.
(Crime No.02 of 2021)

... Respondent/Complainant

For Petitioners: Mr.D.Balamurugapandi, Advocate.
For Respondent : Mr.M.Chandra Sekaran,
Government Advocate (Crl.Side)

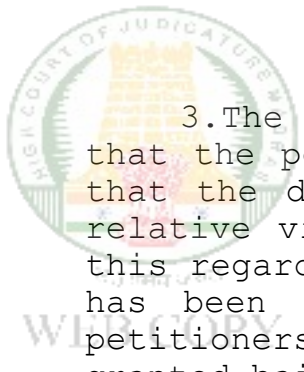
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.02 of 2021 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 03.01.2021 for the offences punishable under Sections 341, 294(b), 323 and 304 of IPC, in Crime No.02 of 2021, on the file of the respondent police seek bail.

2.The case of the prosecution is that the deceased, aged about 80 years old, who had developed illegal relationship with one Valli, 20 years prior and he was residing with her. Now, the deceased left the said Valli and joined with his first wife and his family. When the same was questioned by the petitioners, who are relatives of the said Valli, there was a wordy quarrel arose between them, in which, the petitioners abused the defacto complainant by using filthy language and also assaulted him with hands and caused injuries. Thereafter, the deceased brought to the Rameshwaram Government Hospital and the Doctor informed that the deceased was brought dead. Hence, the present complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A1 to A4. He further submitted that the deceased lived as husband and wife with the petitioners' relative viz., Valli. Now, he deserted the above said Valli. In this regard, there was a quarrel arose between them and a false case has been foisted against them. He further submitted that the petitioners were in jail for more than one month, hence they may be granted bail.

4.The learned Government Advocate(Crl.Side) would submit that totally there are four accused in this case and the petitioners herein are arrayed as A1 to A4 who are none other the close relative of one Valli. The deceased had developed illegal intimacy with the petitioners' relative viz., Valli 20 years prior. Now, he deserted the above said Valli. In this regard, there was a quarrel arose between them, in which, the petitioners attacked the deceased with hands and caused serious injuries. Investigation is still pending. Hence he strongly opposed to grant bail to the petitioner.

5.On perusal of the materials available on records, It is seen that totally there are four accused in this case and the petitioners herein are arrayed as A1 to A4. The deceased, who was aged about 80 years old, who had developed illegal intimacy with one Valli 20 years prior and he was residing with her. Recently, the deceased deserted the said Valli and joined with his wife and his family. When the same was questioned by the petitioners, who are relatives of the said Valli, there was a wordy quarrel between the petitioners and the deceased, in which, the petitioners said to have attacked the deceased with hands and no weapons have been used in this case.

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, Rameswaram, Ramanathapuram 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 identity

ii) the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

<https://hcservices.courts.gov.in/hcservices> 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/-

03/02/2021

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/ /2021

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,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-649[I] dated 03/02/2021)

ORDER IN

CRL OP(MD) No.1384 of 2021

Date : 03/02/2021

VSG

MS/VR/SAR-1/03.02.2021/3P.7C

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