



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

Date : 10/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)Nos.1995 and 2008 of 2021

1.Krishna Prakash
2.Thangavel

... Petitioners/A3 and A4
in CRL OP(MD)No.1995 of 2021

1.Ananth
2.Mathiyazhagan

... Petitioners/A1 and A2
in CRL OP(MD)No.2008 of 2021

Vs

The State rep.by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
Crime No.912 of 2020.

... Respondent/Complainant
in both petitions

For Petitioners : Mr.S.Sathya Chidhambaram, Advocate.
in both petitions

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor
in both petitions

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

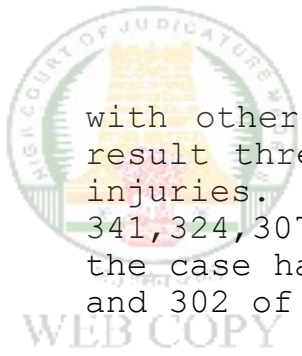
COMMON PRAYER :-

For Bail in Crime No.912 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A3, A4, A1 and A2, who were arrested and remanded to judicial custody on 11.12.2020, 11.12.2020, 21.12.2020 and 21.12.2020 for the offences punishable under Sections 294(b), 341, 324, 307 and 506(ii) of IPC @ 294(b), 341, 324, 307, 506(ii) and 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioners due to some dispute regarding in respect of getting honour in the village temple there was a quarrel in which the petitioners along



with other said to have caused injuries with deadly weapons, as a result three persons sustained injuries and one person succumbed to injuries. Initially the complaint was lodged under Sections 294(b), 341, 324, 307 and 506(ii) of IPC and after the death of the deceased the case has been altered to sections 294(b), 341, 324, 307, 506(ii) and 302 of IPC.

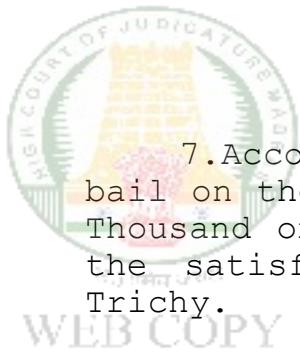
3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that defacto complainant and A1 are close relatives and after the death of the father of the defacto complainant the defacto complainant himself started dispute about the temple honours to be given and during such time the defacto complainant and his friends came to the house of the petitioners and attacked the petitioners, in which A1 sustained injuries. He would also submit that with regard to the same the first petitioner has given complaint before the respondent police which was registered in Crime No. 913 of 2020 for the offences under Sections 294(b), 324 and 506(ii) of IPC, as a counter blast the present complaint is foisted against the petitioners. He would also submit that that petitioners are in jail for more than 40 days, hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that due to some dispute regarding giving honour to the person in the Vinayagar temple the petitioners along with other said to have caused injuries with deadly weapons, as a result three persons sustained injuries and one person succumbed to injuries. Hence he strongly opposed to grant bail to the petitioner.

5. It is seen that there is some dispute with regard to the respect of honour in the Vinayagar Temple. The defacto complainant's father was given honour till his death, thereafter it was objected by his uncle, son and his relatives. On the date of occurrence the honour was given to the defacto complainant, hence the petitioners picked up quarrel armed with weapons at 10.30 p.m., attacked the defacto complainant and his two friends namely Kannan and Loganathan in which Kannan succumbed to injuries. The defacto complainant also attacked the petitioners in which A1 sustained injuries and as counter blast a case in Crime NO. 913 of 2020 was also registered against the defacto complainant, his friend Loganathan and the deceased Kannan. The attack is in respect of giving honour in the Vinayagar temple and there was wordy quarrel and exchange of blows. The petitioners are having no previous case and they are not rowdy elements. Further it is seen that there is no fatal injuries on the injured persons other than the assault.

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

<https://hdservices.courts.gov.in/hdservices>



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, Srirangam, Trichy.

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 am., for a period of two weeks and thereafter as and when required for interrogation.

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/-
10/02/2021

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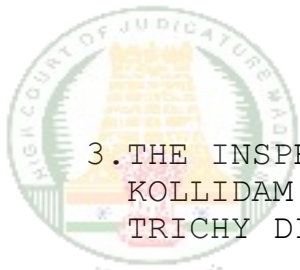
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
SRIRANGAM, TRICHY DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3.THE INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.

4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP (MD) Nos.1995 and
2008 of 2021
Date :10/02/2021

AAV
TK/VR/SAR.2/10.02.2021/4P/6C