



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7630 of 2021

1. Duraipandi
2. Marisamy
3. Sekar
4. Vijayendran
5. Solaiyappan
6. Gopalakrishnan
7. Anandhakumar
8. Arunkumar
9. Manojkumar
10. Thangapandi
11. Palraj

... Petitioners/Accused 1 to 11

Vs

The State through
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.
Crime No. 39 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Laxman K.R.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

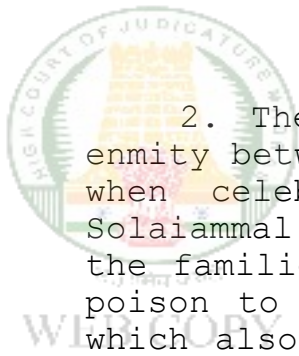
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.39 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A11, who were arrested on 06.04.2021 for the offences punishable under Sections 147,148,294(b), 323,324,302,307 and 506(ii) of IPC in Crime No.39 of 2021 on the file of the respondent police, seek bail.

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



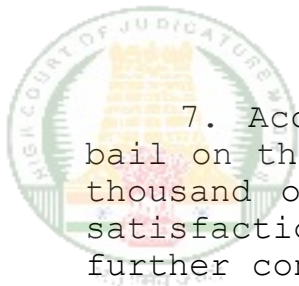
2. The case of the prosecution is that there was a previous enmity between the family of the defacto complainant and the accused when celebrating last year Diwali when the fire cracker hit Solaiammal W/o.Duraipandi. As a result enmity persist between both the families. Keeping this in mind the family of Duraipandi gave poison to the dog reared by defacto complainant relatives. Due to which also there was previous enmity. On 06.04.2021 at about 09.00 pm., when Palpandi and Velraj were talking near their house, the accused Duraipandi came there with cricket bat and Thangapandi with iron rod, sekar with aruval, Solaippan, Gopalakrishnan, Anatharaj, Arunkumar, Manojkumar, Palraj with wooden log and they were accompanied by Solaimmal, Subbulakshmi and Meenakshi. They all formed unlawful assembly and abused the Palpandi and Velraj in filthy language and started attacking Palpandi and Velraj, as a result they sustained injuries. When Rajamallu who was inside the house of the defacto complainant tried to intervene and he was attacked by Duraipandian with bat on his head, Sekar had used the same bat and attacked the deceased/Rajamallu on his head. Other accused also joined together and kicked the deceased repeatedly. The defacto complainant was also attacked when she tried to intervene. As a result of the said incident her husband died and two persons namely Palpandi and Velraj sustained injuries and admitted in the hospital for treating the injuries. Hence the complaint.

3. The learned counsel for the petitioners would submit that there was previous enmity between two groups and the incident said to have happened without any preplan and the petitioners were not responsible for the death of the deceased. He would further submit that co-accused in this case namely A12 to A14 were released on bail and the petitioners are in custody from 06.04.2021, hence he seek bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that there was earlier a dispute between both the families as a result of which the incident had occurred. There is counter case in Crime No.40 of 2021 for the offences under Sections 147,148,294(b),323,324 and 506 (ii) of IPC. He would also submit that investigation is not yet completed. However, he fairly concedes that the injured has been discharged from the hospital.

5. It is seen that there is previous enmity between both the families and as a result the incident had occurred in which the deceased died. Two persons who sustained injuries were discharged from the hospital.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioners are in judicial custody from 06.04.2021, this Court is inclined to grant bail to the petitioners



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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kamuthi and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2021

/ TRUE COPY /

/ /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,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

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



3.THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

4.THE INSPECTOR OF POLICE,
MANDALAMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP (MD) No.7630 of 2021
Date :17/06/2021

AAV
AE/PN/SAR-IV/17.06.2021/4P/6C