



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

Date : 16/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). Nos.7509 and 7662 of 2021

WEB COPY

1. Kaviyarasan

2. Kalaivanan

... Petitioners/Accused No. 1 & 2
in Crl.O.P(MD) No. 7509 of 2021

Nivash Alias Prem Nivas ... Petitioner/3rd Accused
in Crl.O.P(MD) No. 7662 of 2021

Vs

State rep by

The Inspector of Police,

Lalgudi Police Station,

Trichy District.

Cr.No. 290 of 2021.

... Respondent/Complainant
in both petitions

(In Crl.O.P(MD) No.7509 of 2021)

For Petitioners : Mr.Subash Babu. M,
Advocate.

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

(In Crl.O.P(MD) No.7662 of 2021)

For Petitioner : Mr.Nirmal Kumar.V
Advocate.

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

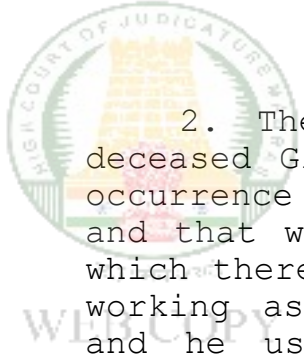
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.290 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1, A2 and A3, who were arrested on 26.04.2021, 26.04.2021 and 28.04.2021 for the offences punishable under Sections 341, 294(b), 323 and 302 of IPC in Crime No.290 of 2021 on the file of the respondent police, seek bail.



2. The case of the prosecution is that the sister of the deceased Girija married the first accused six months prior to the occurrence and she was living in the same street with her husband and that was not liked by the defacto complainant family. Due to which there was enmity between both the families. The deceased was working as Junior Engineer in Highways Department at Kanchipuram and he used to come to his native place once in a week. On 24.04.2021 the deceased came to his house and next day i.e., 25.04.2021 the deceased and his wife along with the defacto complainant and her husband were returning to their house in two wheeler after taking bath. When they reached the goad shed near old road, the accused waylaid them and asked the deceased as to why he was always staring at them whenever he crosses his house and when the deceased replied that he was not frowning at them. All the accused persons joined together and started attacking him with kattai. Then the first accused had gone inside the house, picked up a knife and attacked the deceased on his left thigh, due to profused bleeding the deceased succumbed to injuries. Thereafter the case came to be registered.

3. The learned counsel for the petitioners would submit that the defacto complainant and his family members including the deceased are the aggressors and they came to the house of the first accused and picked up quarrel and due to sudden provocation the occurrence said to have taken place and there is no motive for the petitioners to commit the murder of the deceased. He would further submit that the petitioners are in judicial custody from 26.04.2021 and 28.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. The fact of the case shows that the due to marriage between the sister of the deceased and the first accused there was enmity between both the families. Further the deceased and his family members said to be the aggressors and they were responsible for the incident. Substantial portion of the investigation should have been over by now.

6. Taking note of the fact and circumstances of the case and also the fact that the petitioners are in judicial custody from 26.04.2021 and 28.04.2021, 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, Lalgudi, Trichy 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/-

16/06/2021

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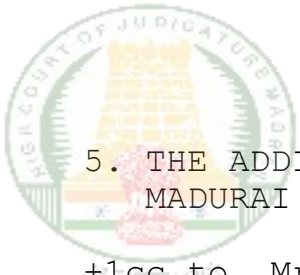
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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, LALGUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION, TRICHY DISTRICT.



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

+1cc to Mr.V.Nirmal Kumar, Advocate Sr.No.3998

WEB COPY

ORDER

IN

CRL OP (MD) Nos.7509 and 7662 of 2021

Date : 16/06/2021

VB VR SAR III (16/06/2021) 4P / 7c