



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

Date : 18/06/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7668 of 2021

1. Ramesh
2. Muthaiah
3. Palanichamy
4. Kumareshan

... Petitioners/Accused

Vs

The State rep.by
The Sub-Inspector of Police,
Veerapandi Police Police Station,
Theni District.
Crime No.175 of 2021.

... Respondent/Complainant

For Petitioners : Mr.P.Senguttuarasan,
Advocate.

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

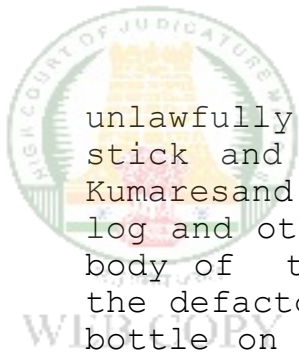
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.175 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 07.05.2021 for the offences punishable under Section 379 IPC and Sections 147, 148, 294(b), 323, 355, 324, 506(ii), 307 IPC and Section 4 TNPWH Act altered into Sections 147, 148, 294(b), 323, 324, 355, 302, 506(ii) IPC and Section 4 of TNPWH Act in Crime No.175 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that one Vanitha and one Pappu were arrested by the police on the ground that they were illegally selling liquor. Believing that the defacto complainant informed about their illegal selling of liquor to the police, the family members of the said Vanitha and Pappu, picked up a fight with the defacto complainant. Police conducted an enquiry and warned both the parties. On 06.05.20201, when the defacto complainant and his sister's son were in their house, all the accused in this case



unlawfully assembled with iron-rod, wooden-log, chappel and broom-stick and abused the defacto complainant in filthy language. One Kumaresan and Ramesh attacked the defacto complainant with wooden-log and others attacked with chappel and broom-stick all over the body of the defacto complainant and also attacked the daughter of the defacto complainant and caused injuries. One Tharun thrown glass bottle on Sakthivel's head and due to the severe head injury, the said Sakthivel died on 10.05.2021. Therefore, the case was altered from Sections 379 IPC and Sections 147, 148, 294(b), 323, 355, 324, 506(ii), 307 IPC and Section 4 TNPWH Act to Sections 147, 148, 294(b), 323, 324, 355, 302, 506(ii) IPC and Section 4 of TNPWH Act.

3.The learned counsel for the petitioners would submit that the petitioners are innocent. In fact they have no role in the death of the deceased and the only allegation against them is that they have attacked the defacto complainant by using chappel and broom-stick. Defact complainant was discharged from the hospital. He would further submit that the petitioners are in custody from 07.05.2021 and hence, he seeks bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that investigation is not completed and the fourth petitioner has four previous cases.

5.It is seen that there was dispute between the families of the defacto complainant and the accused in connection with the alleged illegal selling of the liquor and therefore, this incident happened. As pointed out by the learned counsel for the petitioner that the petitioners herein had only used woodenlog, broom stick and iron rod and they only targeted the defacto complainant. Al alone caused the death of the deceased in this case. It is also seen that the injured person has been discharged from the hospital and material part of the investigation in this case is over. Considering all these factors and also the fact that the petitioners are in judicial custody from 07.05.2021, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on his 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 Additional Mahila Court, Theni and on further condition that:

[a]the petitioners and 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 tamper with evidence or witness either during investigation or trial.

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

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[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 himself 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/-

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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 ADDITIONAL MAHILA JUDGE, THENI.
- 2.THE OFFICER INCHARGE,
DISTRICT PRISON, K.VILAKKU, THENI DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE,
VEERAPANDI POLICE POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7668 of 2021

Date :18/06/2021

GNS

AE/AKM/SAR-1/18.06.2021/3P/5C