



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8987 of 2021

1. A.Mahendraprabhu
2. A.Karthick
3. A.Maheswaran

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by,
The Inspector of Police,
Valanadu Police Station,
Tiruhirpaalli District
Crime No. 127/2021.

... Respondent/Complainant

For Petitioners : Mr.A.Arputharaj,
Advocate.

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

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

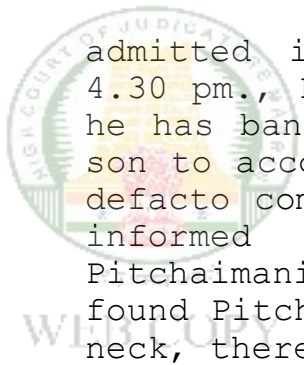
PRAYER :-

For Bail in Crime No. 127 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested on 15.05.2021 for the offence under Section 302 of IPC in Cr.No.127 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant's daughter Krithika was taken from her custody five years back by Mahendraprabhu. Since Mahendraprabhu is a person of bad habits her husband and brother-in-law Pitchaimani visited the house of Mahendraprabhu and asked the defacto complainant daughter to come with them. Mahendraprabhu and his family members scolded her husband and brother-in-law in filthy language. Therefore there ensued a scuffle and in the scuffle Mahendraprabhu mother Chinnammal hand was broken. Thereafter there is no connection between these two families. Mahendraprabhu and Karthick were angry with the defacto complainant's husband and brother-in-law Pitchaimani. Her husband died in the year 2019. Pitchaimani was a driver. On 28.03.2021 Mahendraprabhu and Karthick attacked him with iron rod and he was



admitted in Trichy Government Hospital. On 14.05.2021 at about 4.30 pm., Pitchaimani wanted to go to Ottanchatram as driver, since he has bandage in his hand, he requested the defacto complainant's son to accompany him. At about 5.30 pm., one Murugesan informed the defacto complainant that her son was weeping at Keeranikarai and he informed that Mahendraprabhu, Karthick and Mahesh attacked Pitchaimani with knife. She visited there at about 6.00 pm., and found Pitchaimani with injuries, especially with cut injuries on his neck, therefore the case came to be registered.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and they are innocents. He would further submit that the petitioners are in judicial custody from 15.05.2021, hence he seeks bail

4. The learned Additional Public Prosecutor opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that second petitioner is having several previous cases pending against him including a murder case. Hence he strongly objected to the grant bail to the second petitioner.

5. It is seen from the submissions made that the incident had happened because of the fact that the first accused Mahendraprabhu had taken the daughter of the defacto complainant, Krithika and kept with him. When it was questioned by the defacto complainant, her husband and brother-in-law Pitchaimani and they tried to get their daughter back with them, there was a scuffle and in the said scuffle the Mahendraprabhu mother Chinnammal suffered fracture injuries. As a retaliation this murder had taken place.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact substantial portion of the investigation might have been completed by this time and the fact that the petitioners are in custody from 15.05.2021, this Court is inclined to grant bail to the petitioners 1 and 3 alone. As regards the second petitioner, this petition stands dismissed for the reason that he had so many previous cases including a murder case.

7. Accordingly, the petitioners 1 and 3 is 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 learned Judicial Magistrate, Manaparai, Trichy District 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 1 and 3 shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 1 and 3 shall not abscond 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 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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 229-A IPC.

sd/-

14/07/2021

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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
MANAPARAI, TRICHY
- 2.-DO- THRO' THE CHIEF JUDICAIL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE INSPECTOR OF POLICE
VALANADU POLICE STATION,
TIRUHIRPAALLI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8987 of 2021

Date :14/07/2021

RT/VR/SAR.V/14.07.2021/3P/6C