



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

Date : 08/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15451 of 2021

1. JEYAMURUGAN
2. SIVA PRAVEEN
3. KARUNANIDHI
4. KATHIRVEL
5. JEYAMOHAN
6. DURAI PANDI
7. RAMESH
8. RAJKUMAR
9. JASMIN JOSEPH
10. JESUDOS
11. JAMES
12. VASANTH
13. SARATH
14. VIJAY

... PETITIONERS 9 TO 14/ACCUSED
RANK NOT KNOWN

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
VEERAVANALLUR, TIRUNELVELI DISTRICT.
CRIME NO. 390 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.S.R.Ramachandharan, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.390 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested on 22.08.2021 and 26.08.2021 for the offence under Sections 147, 148, 294(b), 307 and 302 I.P.C, in Crime.No.390 of 2021 on the file of the respondent police, seek bail.



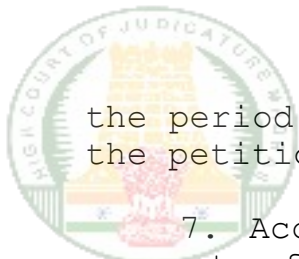
2.The case of the prosecution is that the defacto complainant is the father of the deceased Vijay. The injured is the another son of the defacto complainant and brother of the deceased. The defacto complainant and his sons are the accused in one murder case. Hence, they left from their village. Since the mother of the defacto complainant died, they sought permission to conduct her ceremonies at their village. But, the village people refused for the same. Due to this motive, on 22.08.2021, both the deceased and the injured went to their village and asked the villagers about the same where there was a dispute between themselves, the accused persons attacked the defacto complainant and his sons with hands and pelted stones at them. In the said occurrence, the deceased died on the spot due to head injury and the another son has sustained severe injury. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that on the day of occurrence accused nos. 1 and 2 had gone to Kalldaikurichi for purchasing pesticides for their agricultural land, on seeing them, the deceased Vijay and his brother Vikash dissuaded the accused Nos.1 and 2 not to give evidence before the Court for the earlier murder case, since accused no.2 is the defacto complainant in 2017 murder case and in that case, the father of accused no.2 was murdered. But, without giving reply, both accused Nos.1 and 2 took their bike and came to their village. Subsequently, the deceased Vijay and his brother Vikash chased them in their bike and came to Sengulam Village, at that time, there was a quarrel between themselves. He further submitted that the petitioners have not committed any offence as alleged by the prosecutions. They are in judicial custody for the past 15 days and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the deceased and his brother are accused in two murder cases and after the occurrence, they left the village. The mother of the defacto complainant died and for conducting ceremonies, they requested the villagers and the same was objected to by the villagers. When they questioned the same, the alleged occurrence had taken place. In the occurrence, the accused pelted stones at the deceased and injured person. He would further submit that the investigation in this case is yet to be completed.

5.In this case, there are eight named accused and eight unnamed accused. The entire overt act is as against the accused nos.1 and 2 and there is no specific overt act as against the remaining accused. Considering the specific overt act attributed as against the accused nos.1 and 2, this Court is not inclined to grant bail to the petitioners 1 and 2/A1 and A2. Accordingly, this Criminal Original petition is dismissed as against the petitioners 1 and 2/ A1 and A2.

6. However, considering the facts and circumstances of the case, <https://hcservices.ecourt.gov.in/services/> of offence committed by the other accused and also



the period of incarceration, this Court is inclined to grant bail to the petitioners 3 to 14, however, with stringent conditions.

7. Accordingly, this Criminal Original Petition is allowed in respect of the petitioners 3 to 14. The petitioners 3 to 14 are ordered to be released on bail on their executing a bond each for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners 3 to 14 shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners 3 to 14 shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 3 to 14 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 3 to 14 in accordance with law as if the conditions have been imposed and the petitioners 3 to 14 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

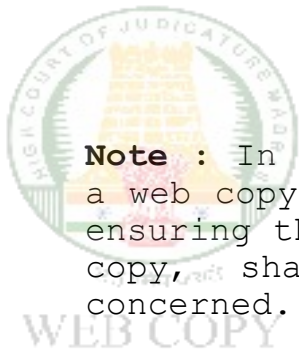
8. The petitioners shall permit the deceased family to reside in the village. The respondent police shall ascertain whether the deceased family has been ex-communicated from the village and if it is so, refer the matter to the Revenue Division Officer concerned.

9. Accordingly, this Criminal Original Petition is partly allowed.

sd/-
08/10/2021

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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,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
VEERAVANALLUR, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15451 of 2021
Date :08/10/2021

msa
USK/SKN/SAR-IV/ (08.10.2021) 4P-6C