



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 21/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)Nos.19245 and 20283 of 2021

Amal @ Amal Raj ... Petitioner/Accused No.3
IN CRL OP(MD)19245/2021

P.Kannan ... Petitioner/Accused No.2
IN CRL OP(MD)20283/2021

Vs.

The State rep.by
The Inspector of Police,
Anjugramam Police Station,
Anjugramam, Kanyakumari District.
(Crime No.370 of 2021) ... Respondent/Complainant
IN BOTH PETITIONS

For Petitioner : Mr.P.M.VISHUVARTHANAN, Advocate
IN CRL OP(MD)19245/2021

For Petitioner : Mr.L.GEORGE PAUL ANTO, Advocate
IN CRL OP(MD)20283/2021

For Respondent : Mr.R.MEENAKSHISUNDARAM
Additional Public Prosecutor
IN BOTH PETITIONS

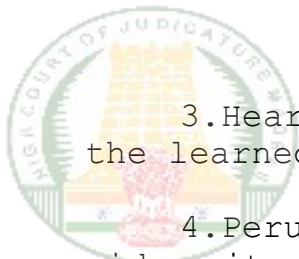
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C

COMMON PRAYER :- For Bail in Crime No.370 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrayed A3 and A2 were arrested on 14/10/2021 and 18/10/2021 respectively and remanded to judicial custody for the alleged offences punishable under sections 294(b), 307, 324, 341 and 506(ii) IPC @ 294(b), 302 307, 324, 341 and 506 (ii) IPC in Crime No.370 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous motive, on 13/10/2021, the accused persons restrained the de-facto complainant and the deceased, who is his Uncle namely Roche Ajay Johnson and attacked them by using aruval, iron rod and stick, thereby caused injuries to the de-facto complainant and his Uncle namely Roche Ajay Johnson and abused them in filthy language and also criminally intimidated them and subsequently, the Uncle of the de-facto complainant, died in the hospital.



3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

4. Perusal of the records and the arguments advanced on either side, it is seen that A1 had illegal affairs with one Anitha. According to the de-facto complainant, he appears to ask the cell phone of the above said Anitha and when that was questioned by A1, he was criminally intimidated, on 13/10/2021 at about 7.30 pm, when he along with his uncle Roche Ajay Johnson standing at Ramanputhoor Junction, again trouble arose between them. At about 10.00 pm, the petitioners and the co-accused person attacked the complainant and his Uncle by using aruval, stick and iron rod. The Roche Ajay Johnson, who is the Uncle of the de-facto complainant, died subsequent to the admission in the hospital.

5. The learned counsel appearing for the petitioners would submit that these petitioners are close friends of A1 and only A1 had illicit intimacy with one Anitha. She was the wife of the deceased and only the de-facto complainant wanted to misuse the said Anitha and blackmailing. When that was informed by the de-facto complainant to his Uncle namely the deceased Roche Ajay Johnson, quarrel arose between them and these petitioners were not present in the place of occurrence. Even as per the FIR, they used only the iron rod.

6. Reading of the FIR shows that because of the above trouble, A1 assaulted the deceased with aruval. The deceased in-turn assaulted A1-Prabakaran with stick and the other accused persons namely Kannan and Amal Raj assaulted the deceased with iron rod repeatedly. So the specific overtact, that was attributed against these petitioners is that they used the iron rod for the purpose of assaulting the deceased. A2 was arrested on 18/10/2021 and A3 was arrested on 14/10/2021 and ever-since, they are in judicial custody.

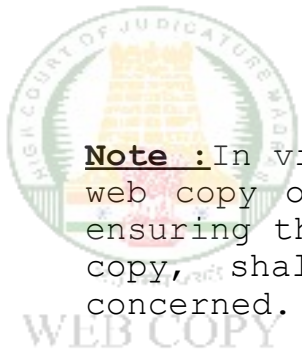
7. Considering the period of incarceration of the petitioners and also considering the fact that major portion of the investigation might have been over by this time, this court is inclined to enlarge the petitioners on bail with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and on further condition that the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.

sd/-
21/12/2021

/ TRUE COPY /

22/12/2021
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 NO.III
NAGERCOIL, KANYAKUMAR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE OFFICER INCHARGE
DISTRICT JAIL, KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 4 THE OFFICER INCHARGE
SUB JAIL, NAGERCOIL.
 - 5 THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
ANJUGRAMAM, KANYAKUMARI DISTRICT.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. C.C. to Mr.P.M.VISHUVARTHANAN, Advocate SR.No.9583.

ORDER

IN

Cr1.OP(MD)Nos.19245 and
20283 of 2021

Date :21/12/2021

MK/PN/SAR.III/22.12.2021/3P/8C