



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.19737 of 2021

1. Krishna Perumal,
2. Manikandan,
3. Subramanian @ Sundar,

... Petitioners/Accused

Vs

State Rep.by
The Sub Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.326/2021).

... Respondent/Complainant

For Petitioners : M/s.Muthumalai.K,
Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.326 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused herein, who were arrested on 27.10.2021 for the alleged offence under Sections 449, 302 and 506(ii) of IPC, in Crime No.326 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to property dispute, the brother of the deceased Muruganantham namely Krishna Perumal, along with other accused persons entered into the house of the defacto complainant and attacked the deceased indiscriminately by aruval on his face and head and thereby caused his death and further criminally intimidated the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that the due to previous enmity the accused persons caused the death to deceased on the spot itself. 1st petitioner/A1 in this case have five previous cases and 3rd petitioner/A3 have 7 previous cases against him. So far second petitioner/A2 is concerned he is having one previous case against him.

5.At this time, the learned counsel for the petitioners submitted that there is no role played by the second petitioner. His name was not found in the FIR. Only based upon the confession statement of the first accused this petitioner has been included in the offence. The learned counsel for the petitioner also seeks permission of this Court to withdraw the petition in respect of the petitioners 1 and 3 and he seeks bail to the second petitioner only.

6.Considering the fact that the name of the second petitioner was not found in the FIR and considering the duration of custody of the second petitioner, this Court is inclined to grant bail to the second petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed in respect of the second petitioner and the second petitioner is ordered to be released on bail, on executing a personal 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, Tirunelveli, and on further condition that the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

8.However, in view of the submission made by the learned counsel for the petitioner this Criminal Original Petition is dismissed as withdrawn in respect of the petitioners 1 and 3.

sd/-
16/12/2021

/ TRUE COPY /

/ /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.

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- TO
- 1.The Judicial Magistrate No.III, Tirunelveli.
 - 2.Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
 - 3.The Superintendent, Central Prison, Palayamkottai.
 - 4.The Sub Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.19737 of 2021
Date :16/12/2021

RS/PN/SAR4(17.12.2021) 3P-6C