



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

Date : 11/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.327 of 2022

Divagar

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.727 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

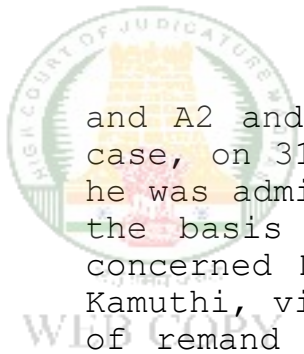
PRAYER :- For Bail in Crime No.727 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4 herein, who was arrested on 01.11.2021 for the alleged offence under Sections 147, 148, 294(b), 341 and 302 of IPC altered into Sections 147, 148, 294(b), 341, 302 r.w. Section 120(b) of IPC in Crime No.727 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the event of Thevar Jayanthi, there were two groups belonging to the village and they made arrangements for procession of lamp and there was a quarrel between the two groups, due to which, the petitioner along with other accused persons had assaulted the deceased, who is the husband of the defacto complainant and thereby, he sustained injuries and thereafter died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is not at all involved in the occurrence and he is not the owner of the place of residence and he is the friend of Al



and A2 and he was taken into custody on the basis of the previous case, on 31.10.2021, by the police and he was brutally assaulted and he was admitted in Government Hospital Kamuthi on the same date. On the basis of the request made by the Investigating Officer, the concerned Magistrate viz. District Munsif cum Judicial Magistrate, Kamuthi, visited the hospital and remanded. While passing the order of remand of this petitioner and during the course of remand, it appears that the petitioner has stated before the concerned Magistrate that he was assaulted brutally by the police and sustained injury on the right leg. Only because of the involvement of the previous case, he was wrongly roped in.

4. This contention cannot be taken into account, since the learned Government Advocate would submit that in all the conspiracy and involvement in the matter, this petitioner is also one of the conspirators. 14 witnesses were examined so far. The petitioner is having four previous cases. The petitioner is friend of A1 and A2.

5. Considering the period of incarceration and also considering the fact that the petitioner is taking treatment in Prison Hospital, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed and the 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, Kamuthi. Due to COVID-19 pandemic situation, the petitioner shall report before the respondent police once in 15 days at 10.30 a.m. until further orders.

sd/-
11/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

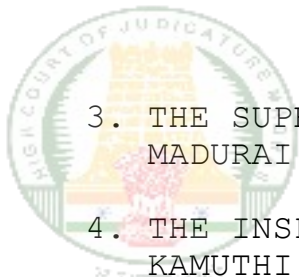
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, KAMUTHI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADRAS DISTRICT.

<https://hcservices.mca.gov.in/Access>



3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.VEERA KUMAR, Advocate (SR-203[I] dated 11/01/2022)

ORDER

IN

CRL OP(MD) No.327 of 2022

Date :11/01/2022

LS

MS/JC/SAR-4/11.01.2022/3P.7C