



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). Nos.9621, 9797 and 9806 of 2022

CRL OP(MD). No.9621 of 2022:

Vijayakumar ... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Pandalkudi Police Station,
Virudhunagar District.
Crime No.27/2022.

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
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.27 of 2022 on the file of the
respondent police.

CRL OP(MD). No.9797 of 2022:

Rajapandi ... Petitioner/4th Accused

Vs

The State rep.by,
The Inspector of Police,
Pandalkudi Police Station,
Virudhunagar District.
Crime No.27/2022.

... Respondent/Complainant

For Petitioner : MR.S.Poornachandran,
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.27 of 2022 on the file of the respondent police.

CRL OP(MD). No.9806 of 2022:

Pandiarajan

... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Pandalkudi Police Station,
Virudhunagar District.
In Crime No.27/2022.

... Respondent/Complainant

For Petitioner : MR.G.Mariappan,
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.27/2022 on the file of the Respondent Police.

COMMON ORDER

The petitioner/A2 in Crl.O.P.(MD)No.9621 of 2022, who was arrested and remanded to judicial custody on 13.03.2022, the petitioner/A4 in Crl.O.P.(MD)No.9797 of 2022, who was arrested and remanded to judicial custody on 15.03.2022 and the petitioner/A5 in Crl.O.P.(MD)No.9806 of 2022, who was arrested and remanded to judicial custody on 13.03.2022 for the offences punishable under Sections 147, 148, 294(b), 342, 324, 307 and 302 I.P.C. in Crime No.27 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that one Peththukumar/A1 was having love affair with one Anitha. Anitha was married to her maternal uncle, namely, Pandi. Peththukumar frequently contacted Anitha through phone and on information of Pandi, the defacto complainant and his family members questioned Peththukumar/A1 and asked him to stop his activities. Peththukumar/A1 threatened them and Pandi that he will murder one of them, if they interfere in his activities. On 13.03.2022, at about 01.12 p.m., Peththukumar/A1 -called the above said Pandi and threatened him, then, he called the father of the defacto complainant through phone and told him to come to a temple called Koppusithampatti Malattamman Kovil. The father of the defacto complainant and his brother went to the temple to settle the issue amicably. But, Peththukumar /A1, Rajapandi, Gopinath, Pandiyarajan and Vijayakumar caught hold the deceased, namely, Selvam and Peththukumar/A1 attacked him with Iron rod on the head. On hearing the same, the defacto complainant went to the spot



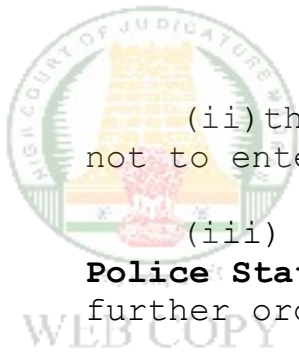
and sent his brother and his father in a two wheeler for taking treatment. At that time, Peththukumar/A1 and his mother came in an Indico Car and hit the defacto complainant with the car and caused him injury. Then they deliberately took the car in reverse mode and run over the complainant's father and murdered him. A case was registered against the petitioners and others in Crime No.27 of 2022, under Sections 147, 148, 294(b), 342, 324, 307 and 302 I.P.C. The petitioners filed petitions for bail in Crl.M.P.Nos.1167 and 1170 of 2022, before the learned Additional District and Sessions Judge, Virudhunagar District at Srivilliputtur. That petitions were dismissed by the Sessions Judge. Hence, the petitioners have filed these petitions.

3. On the side of the petitioners, it is stated that the petitioners are Accused Nos.2, 4 and 5 in the case. The only allegation against this petitioners is that they allegedly caught hold the deceased Selvam, when the first accused assaulted the deceased with iron rod. There is no allegation against the petitioners regarding the second overt act. The alleged second occurrence is that at the instigation of the sixth accused, the first accused drove the car, run over the deceased and caused his death. There is no overt act against the petitioners regarding the second occurrence. Just because the petitioners are the friends of the first accused, they were falsely implicated in the case and prayed the petitioners to be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is not yet completed and if the petitioners are released on bail, they may hamper the investigation and tamper the witnesses and prayed the petitions to be dismissed.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are A2, A4 and A5 and that the overt act against this petitioners is that they caught hold of the deceased while he was attacked by the first accused. There is no direct overt act against the petitioners regarding the subsequent occurrence, ie., the death of the deceased. The petitioner/ A2 in Crl.O.P.(MD)No.9621 of 2022 and the petitioner/ A4 in Crl.O.P.(MD) No.9797 of 2022 are in custody for the past 81 days and the petitioner/ A5 in Crl.O.P.(MD)No.9806 of 2022 is in custody for the past 79 days, major parts of the investigation might have been completed by this time and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners. Accordingly, these petitions are allowed and the petitioners are ordered to be released on bail on the following conditions :

(i) the petitioners shall execute 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



(ii) the petitioners shall reside at **Tirunelveli District** and not to enter **Virudhunagar District**.

(iii) the petitioners shall report before the **Tirunelveli Town Police Station** daily twice ie. at 10.00 a.m. and 05.00 p.m., until further orders.

sd/-
02/06/2022

/ TRUE COPY /

02/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
PANDALGUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to MR.G.MARIAPPAN, Advocate SR.No.5169.

ORDER
IN
CRL OP(MD) . Nos.9621, 9797
and 9806 of 2022
Date :02/06/2022

Ls
MK/VR/SAR.III/02.06.2022/4P/8C