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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 03/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP (MD)No.13482 of 2022

Patchiammal

... Petitioner/Accused No.4

Vs.

State through
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.117 of 2022)

... Respondent/Complainant

Amose Gideon

... Petitioner/De-facto Complainant
(in Crl.M.P.(MD)No.8735 of 2022)

For Petitioner : Mr.K.Jeyamohan, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.K.P.Krishnadoss, Advocate

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

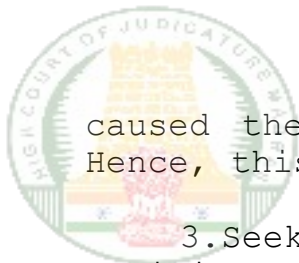
PRAYER :-

For Bail in Crime No.117 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A4 was arrested, on 17/04/2022 and remanded to judicial custody for the alleged offences punishable under sections 147, 148, 341, 294(b), 324, 307, 302 and 506(ii) IPC, in Crime No.117 of 2022, seeks bail.

2.The case of the prosecution is that due to long standing enmity between the accused persons party and the deceased regarding the vacant land situated near the house of the de-facto complainant, on 17/04/2022 in the above said land, when the accused family erected bore-well, the same was questioned by the de-facto complainant and his family members. Over which, they waylaid by the accused persons and attacked them with deadly weapons and thereby



caused the death of the deceased and injuries on other persons.
Hence, this case.

3. Seeking bail, the petitioner, who is arrayed as A4 filed this petition.

4. Heard both sides.

5. It is an unfortunate case of civil issue, which gave rise to murder of three persons and causing severe assault to two persons. It is the contention on the part of the petitioner that it is a case and counter, in which the accused party also sustained injuries, over which also, a complaint has been preferred. But no action was taken in this regard.

6. The entire CD file has been called for and perused.

7. Perusal of the CD file shows that there was enmity between the de-facto complainant party and the accused party, over which, a civil suit is also pending. It appears that on the particular date, when the accused persons party tried to dig a bore well in that property, that was objected by the accused party. But however, the causality occurred. Three persons done to death on the spot itself. Two persons were taken seriously to the hospital for treatment. This shows that how the brutal murder has been committed by the accused persons.

8. But the learned counsel appearing for the petitioner would submit that even as per the allegation against the petitioner in the FIR, her intention to cause the murder cannot be presumed, because as per the allegation made the FIR, she only abetted or instigated the other accused. So according to him, without considering the limited role that has been allegedly played by the petitioner, the entire family members of the petitioner have been roped in this case. So the petitioner may be granted bail.

9. Per contra, it the contention on the side of the prosecution as well as the learned counsel appearing for the intervenor that it is a case of triple murder and the investigation has not been completed so far and if the petitioner is released on bail, there is every likelihood of hampering the investigating process.

10. As mentioned earlier, the brutality of the offence itself are sufficient to deny the bail. Even it is contended on the part of the petitioner to the effect that only limited role that has been alleged against this petitioner, on going through the records, it is seen that there is also specific allegation to the effect that this petitioner also joined hands with the other accused persons in assaulting the de-facto complainant with wooden stick. So this is not the fittest case to enlarge the petitioner on bail.



11. In the result, this criminal original petition is re
dismissed.

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Sd/-
03/08/2022

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/09/2022

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

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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 INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAMOHAN.K Advocate SR.No.8171

+1. CC to M/S.K.P.KRISHNADOSS Advocate SR.No.36148

ORDER
IN
CRL OP (MD) No.13482 of 2022
Date : 03/08/2022

SP/SVR/SAR IV/05/09/2022/3P/6C