



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20300 of 2022

1. Madasamy @ Suresh
2. Nellaiyappan
3. Balasubramanian @ Kutti Pandian

... Petitioners
/Accused No.3 to 5

Vs

State Rep.by
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
Crime No.132 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Saravana Kumar C,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

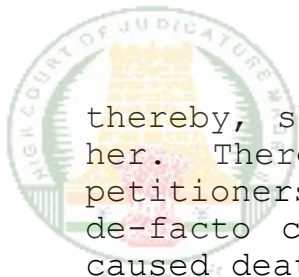
PRAYER :-

For Bail in Crime No.132 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who were arrested and remanded to judicial custody on 25.08.2022 for the offences punishable under Sections 147, 148, 448, 294(b), 302 and 506(ii) IPC, in crime No.132 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the de-facto complainant is the daughter of the deceased. The de-facto complainant's father's brother's sons Essakkipandi @ Chinnadurai and Mariraj @ Rasukutty are having several previous cases. Out of them, one Essakipandi @ Chinndaurai son of Mariappan loved the relative of the accused, named Soundarya and married her. Due to which, on 24.08.2022, the accused persons unlawfully assembled together, attacked and quarrelled with Chinnadurai and hence, the mother of



thereby, she also sustained injury on her head and caused to her. Thereafter, on the same day at about 10.30 p.m., the petitioners along with other accused entered into the house of the de-facto complainant, attacked her mother with deadly weapons and caused death to her. Hence, the case.

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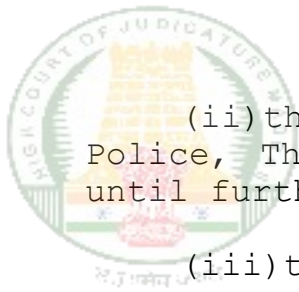
3.The learned counsel for the petitioners would submit that infact the de-facto complainant father's brother's son's Esakkipandi @ Chinnadurai and Rasukutti are notorious criminal and on the date of occurrence, they were in drunken mood and picked up quarrel with A1 and attacked the same, caused cut injury in his leg. At that time, the de-facto complainant's mother and the said Chinnadurai mother prevented the attack made by their sons, while sudden provocation, the said occurrence happened by A1 and A2. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they are in judicial custody from 25.08.2022 and hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that there are five accused in this case and the petitioners are arrayed as 3 to 5. On the date of occurrence, the petitioners have also actively participated in the occurrence. Further, since after three days of the occurrence, retaliation murder caused in the same street and tension is prevailing in that area. The police picketing is posted in five points for 24 hours. He would further submit that first petitioner is having one previous case; second petitioner is having three previous cases; and the third petitioner is having one previous case. He would further submit that 24 witnesses have been examined and the investigation is still pending. If the petitioners are released on bail, the law and problem would arise and there is every possibility of committing the offence.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that 24 witnesses have been examined sofar, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing 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 Magistrate Court, Cheranmahadevi, and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



(ii) the petitioners shall report before the Inspector of Police, Thallakulam Police Station, Madurai, daily at 10.30 a.m., until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

21/11/2022

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21/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, PERURANI.
- 4 THE INSPECTOR OF POLICE, CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-13335[I] dated 21/11/2022)

ORDER
IN
CRL OP(MD) No.20300 of 2022
Date :21/11/2022

SJI
RS/SSS/SAR.2 (21.11.2022) 3P-8C