



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP (MD) Nos.1455 and 1487 of 2023

Gowtham

... Petitioner/Accused No.2
in Cr1.O.P (MD) No.1455 of 2023

1. Paranthaga Chozhan

2. Nethaji Subash Chandara Bose

... Petitioners/Accused No.3&5
in Cr1.O.P (MD) No.1487 of 2023

Vs

The State rep.by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District
(Crime No.321 of 2022).

... Respondent/Complainant
in both petitions

In Cr1.O.P (MD) No.1455 of 2023
For Petitioner : M/s. R.Gandhi
Senior Counsel
for M/s. Karthikeyan.J,
Advocate

In Cr1.O.P (MD) No.1487 of 2023
For Petitioner : M/s.Krishnaveni.P
Advocate

(In both petitions)
For Respondent : Mr.A.Albert James,
Government Advocate (Cr1.Side)

For Intervenor : Mr. S.Sarvagan Prabhu
Advocate

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



COMMON PRAYER :-

For Bail in Crime No.321 of 2022 on the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/A2, A3 and A5, who were arrested and remanded to judicial custody on 02.12.2022 for the offence punishable under Sections 174 Cr.P.C @ 147,148, and 302 of IPC in Crime No.321 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that his Son Suriya has settled in Kodaikanal to construct a cottage after completing his Film Technology Course and that on 01.02.2022 he received information that Suriya died, he visited mortuary and found that the deceased sustained injuries on his body. During enquiry it came to light that on 30.11.2022 the said Suriya quarrelled with his female friend Swetha and lodged a police complaint and during investigation it is found that the deceased Suriya and A1 were living together in Kodaikanal and thereafter they got separated since the deceased harassed Swetha and thereafter they started living in Kodaikanal cottage and that on 30.11.2022 both of them exchanged arguments in which Suriya assaulted A1 hence she poured hot water on the deceased and then Suriya strangled the neck of A1, and thereafter A1 sent whatsapp message to her friends A2 to A5 by sharing her location and thereafter they went to the Suriya's cottage and attacked the deceased with wooden log on his left side head and pushed him down and kicked with legs and caused death of the deceased. Hence the case came to be registered.

3.The learned `Senior Counsel appearing for the petitioner in CrI.O.P(MD) No. 1455 of 2022 and the learned counsel appearing for the petitioners in CrI.O.P(MD) No.1487 of 2023 would submit that the petitioners are the common friends of the deceased /Suriya and A1/Swetha and that they received information that there was fight between them on account of that they went there to pacify both of them and during such time the incident had occurred and that there is no motive or intention to commit the murder of the deceased and the incident had happened during the quarrel. He would further submit that petitioner in CrI.O.P(MD) No.1455 of 2023 is I.I.T graduate and doing research in Kodaikanal and the petitioners in CrI.O.P(MD) No.1487 of 2023 are graduates and they are in custody from 02.12.2022, hence, he seek bail.

4.The learned Government Advocate(CrI.Side) submit that the petitioners are friend of A1 and A1 was living in relationship with the deceased Suriya in the house at Kodaikanal and during such time the incident had been fight between them and the deceased had



strangulated the A1 and she has called the friends A1 to A5. They had gone to the place of occurrence and indiscriminately assaulted the victim resulting in him sustained injuries. Later they have taken the body of the deceased to the hospital stating that the deceased had fallen down from the stairs and later the person died in the spot. The post mortem reveals that the deceased was attacked by wooden laog. He would further submit that the investigation is still pending, hence he opposed to grant bail to the petitioners.

5. The learned counsel for the intervenor/defacto complainant objected to grant bail to the petitioner stating that CCTV footage is available to connect the petitioner with the crime.

6 Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to 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 Magistrate No.II, Kodaikanal and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall stay at Madurai and report before the Othakadai Police Station daily at 10.30 a.m., and 5.30 p.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/01/2023

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27 /01/2023

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

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TO

- 1.THE JUDICIAL MAGISTRATE NO.II, KODAIKANAL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 4 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION
MADURAI.

- +1 CC to M/s.J.KARTHIKEYAN, Advocate (SR-1257[I] dated 27/01/2023)
+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-1268[I] dated 27/01/2023)
+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-1236[I] dated 27/01/2023)

ORDER
IN
CRL OP (MD) Nos.1455
and 1487 of 2023
Date :27/01/2023

RK/VR/SAR- /27.01.2023/4P/10C

<https://www.mhc.tn.gov.in/judis>