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Crl.O.P.(MD)N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) Nos.3381, 3392 and 3424 of 2023

M.Jeyalakshmi

... Petitioner/Accused No.12
in Crl.O.P. (MD) No.3381 of 2023

Ramu @ Ramar

... Petitioner/5th Accused
in Crl.O.P. (MD) No.3392 of 2023

1.Pandiselvi

2.Alagammal

... Petitioners/6th & 9th Accused
in Crl.O.P. (MD) No.3381 of 2023

-VS-

The State represented by
The Inspector of Police,
Melavalau Police Station,
Madurai District.
(in Cr.No.202 of 2022)

... Respondent/Complainant
in All the Petitions

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

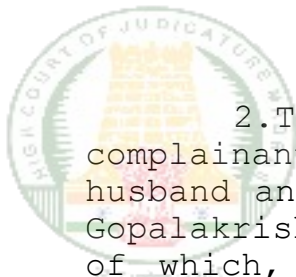
COMMON PRAYER :- For Bail in Crime No.202 of 2022 on the file of the Respondent Police.

In All the Petitions:

For Petitioners	: Mr.N.DILIP KUMAR, Advocate
For Respondent	: Mr.T.SENTHIL KUMAR Additional Public Prosecutor
For Intervenor	: Mr.A.RAJA, Advocate

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.01.2023 for the offences punishable under Sections 147, 148, 341, 302 and 506(2) of IPC @ Sections 294(b), 355, 120-B and 212 of IPC in Crime No.202 of 2022 on the file of the respondent police, seek bail.

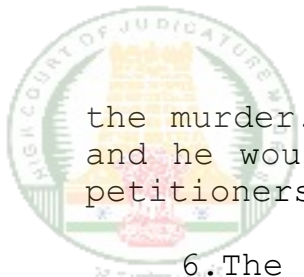


2.The case of the prosecution, as per the complainant, is that there was a land dispute pending between her husband and one Gopalakrishnan group and during year 2020, the said Gopalakrishnan group had attempted to murder her husband in respect of which, a case was pending before the III Additional District Judge, Madurai. While so, on 18.12.2022, when her husband had gone to his land and got down from his car, due to previous enmity, the accused, Gopalakrishnan along with his family members have waylaid her husband and assaulted him with aruval, in which he died on the spot. This information was informed to her by one Prakash and she has gone to the place of occurrence and she had found her husband lying dead with several injuries and hence, the case.

3.The learned Counsel for the petitioners would submit that the petitioner in Crl.O.P.(MD)No.3392 of 2023 is arrayed as A5, the petitioners in Crl.O.P.(MD)No.3424 of 2023 are arrayed as A6 and A9 and the petitioner in Crl.O.P.(MD)No.3381 of 2023 is arrayed as A12. He would also submit that originally, based on the complaint given by the de-facto complainant, 9 persons were added as accused. Admittedly, there has been long standing rivalry between the petitioners' family and the de-facto complainant's family on account of land dispute and cases and counter cases are pending. He would further submit that the alleged occurrence is stated to have been taken place on 18.12.2022 at about 06.30 pm and the de-facto complainant is not an eye witness to the occurrence, whereas, she has implicated all the family members in the case to ensure that the entire family is harassed.

4.He would further submit that even as per the complaint, the de-facto complainant other than making *omni bus* allegations against the petitioners, no specific allegation or overt acts are attributed against the petitioners in this case. He would also submit that the petitioner in Crl.O.P.(MD)No.3381 of 2023 has been implicated in this case based on the further statement recorded from one Prakash and Lavanya, who are known to the de-facto complainant. He would also submit that even as per the prosecution, the women accused are stated to have been assaulted the victim with hands and broom stick, when there was a quarrel. He would further submit that the petitioners are in custody for more than 50 days and thereby, he would seek for bail.

5.The learned Additional Public Prosecutor would submit that the petitioners are relatives of one Gopalakrishnan. There was a long standing rivalry between the said Gopalakrishnan and the deceased family on account of a boundary dispute. Earlier, the first accused, one Gopalakrishnan had attempted on the life of the victim and a case in Cr.No.39 of 2020 was registered and after completion of investigation, the case was taken up in S.S.C.No.25 of 2020 on the file of the learned III Additional District Judge, Madurai and the accused have threatened the deceased and his family



the murder. He would also submit that the investigation is going on and he would strongly oppose for grant of anticipatory bail to the petitioners.

6.The learned Counsel for the intervenor would submit that the petitioners were present at the scene of occurrence and they have actively participated in the occurrence. They have not only waylaid the deceased from moving from the scene of occurrence, but they have also assaulted the deceased with broom sticks and they are also aware of the earlier conspiracy to commit the murder of the deceased, thereby, he would object for grant of bail to the petitioners.

7.Heard and perused the materials available on record including the FIR and the alteration report and the statement recorded from the witnesses.

8.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioners are in judicial custody from 04.01.2023, 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 Melur, 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 Kanyakumari District and report before the Kaliyakkavilai Police Station daily at 10.30 a.m., and 06.30 pm 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 SCW 5560];



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

sd/-
22/02/2023

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22/02/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 4 THE INSPECTOR OF POLICE,
MELAVALAU POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

+3. CC to M/S.DILIP KUMAR N Advocate SR.Nos.2643, 2644, 2645,

ORDER

IN

CRL.O.P (MD) Nos.3381, 3392
and 3424 of 2023
Date :22/02/2023

SA/SBN/SAR. /22.02.2023/4P/10C