



CRL OP(MD).No.5873 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5873 of 2024

1. Muthusamy
2. Ravichandran

... Petitioners/ A1 and A2

Versus

The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
Crime No.218 of 2024

... Respondent/Complainant

For Petitioners : Mr.R.Rajan
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.218 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime No.218 of 2024 for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) and



CRL OP(MD).No.5873 of 2024

304(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women

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Act and remanded them into judicial custody on 26.03.2024. Therefore, the petitioners have filed this petition seeking bail.

2. The case of the prosecution is that on 18.03.2024 at about 8.45 p.m., the accused persons unlawfully assembled with deadly weapons, quarrelled with the defacto complainant and his family members, abused them in filthy language and threatened them with dire consequences. The accused persons also attacked the defacto complainant's wife, sons and daughter-in-law with iron rods and caused severe injuries and one Senthilkumar, who is the son of the defacto complainant succumbed to the injuries, while taking treatment at Government Hospital, Madurai.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in jail from 26.03.2024.

4. The learned Additional Public Prosecutor appearing for the respondent submits that it is a case in counter. The first petitioner/A1 is the brother of the



CRL OP(MD).No.5873 of 2024

WEB COPY

defacto complainant. There was a land dispute between them, due to which, there was a wordy quarrel and scuffle on the date of occurrence. A1 assaulted the defacto complainant with hands and A2, A4 and A6 attacked the defacto complainant's wife Saraswathi, sons and daughter-in-law with iron rods and caused severe injuries. One Senthilkumar, who is the son of the defacto complainant succumbed to the injuries, while taking treatment at Government Hospital, Madurai. Therefore, the case in Crime No. 218 of 2024, which was originally registered for the offence under Section 506(ii) IPC, was altered into Section 304(ii) IPC after the death of the deceased on 24.03.2024.

5. The learned counsel appearing for the petitioners submits that the deceased died due to heart attack and that too after 10 days from the date of occurrence.

6. Considering the relationship between the parties and the overt act attributed as against the petitioners and also considering the fact that the death had occurred after 10 days from the date of occurrence, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail

i) on the petitioners executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction



CRL OP(MD).No.5873 of 2024

of the learned Judicial Magistrate, Oddanchatram.

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ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioners shall appear before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. They have to co-operate for the investigation.

iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. They shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the bail.

sd/-

17/04/2024

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

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CRL OP(MD).No.5873 of 2024

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

+1 CC to M/s.R.RAJAN, Advocate (SR-4543[I] dated 17/04/2024)

ORDER
IN

CRL OP(MD) No.5873 of 2024

Date :17/04/2024

SS/SAR- /17/04/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023