

IN THE COURT OF THE III ADDL DISTRICT COURT (PCR), MADURAI  
PRESENT: Thiru.M. Thandavan, B.L.,  
III Additional District and Sessions Judge (PCR),  
(Full Additional Charge)  
Madurai.

Wednesday the 9th day of September 2020

Cr.L.M.P.No. 449 / 2020

Cr. No. 1052 / 2020

1. Arunpandi @ Pukkurutti  
S/o. Palanisamy
2. Karanraj  
S/o. Sundaram
3. Thavasipandi  
S/o. Murugan
4. Ramachandran  
S/o. Irulan
5. Jagadeshwaran @ Iruttu  
S/o. Ponpandi ... Petitioner/ Accused No. A1, A3, A4, A5, A9

//vs//

State through Inspector of Police,  
Mathichiyam Police Station,  
Madurai District.

( Cr. No. 1052 / 2020)

... Respondent/complainant.

This petition coming before me today for hearing in the presence of Thiru.S. Ayyapparaja, Counsel for petitioner and of Thiru. S. Arivudainambi, Special Public Prosecutor for respondent and upon perusing the petition, objection, material papers on record and upon hearing the argument of both sides and having stood over for consideration, this court passed the following :

### **ORDER**

This bail application u/s. 439 is received from Advocate Thiru.S. Ayyapparaja , through e-mail on 20.08.2020.

1. This petition for bail U/s. 439 CrPC. Originally the FIR was registered

for the offence U/s. 147, 148, 449, 294(b), 302 IPC and subsequently altered to section 120 (b), 147, 148, 449, 294(b) and 302 IPC and U/s 3(2)(v) of SC/ST Act.

2. The case of the petitioners is that the petitioners have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the case. The petitioners are in the custody for the past 72 days and they are ready to abide by any condition that would be imposed by this court. It is objected on the part of the respondent that the accused have murdered one Murugan who was taking treatment in the intensive care unit in G.H Madurai and if the petitioners are released on bail, it will be dangerous to the life and the property of the complainant and the witnesses and it is argued that the petitioners may kill the complainant and the other witnesses in taking revenge for the complaint given against the petitioners.

3. The brother of deceased Murugan namely one Arumugam filed a written objection that the petitioners murdered said Murugan who was taking treatment in the intensive care unit in G.H Madurai and therefore the petitioners may go to any extent to take revenge against the complainant.

4. Apparently the recitals in the FIR indicates as if the murdered has taken place in G.H Madurai when the said Murugan was taking treatment in the intensive care unit. Therefore the apprehension of the complainant that the petitioners may go to any extent to take revenge against the petitioners for the complaint is reasonable. Therefore in order to avoid several other complications, it is held that this petition has to be dismissed.

5. In the result the petition is here by dismissed.

Pronounced by me in open court this the 9th day of September 2020.

/Sd/. M. THANDAVAN  
III Additional District & Sessions Judge(PCR)(FAC),  
Madurai.