



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20970 of 2018

THIRUMALAI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.196 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MURUGAPPAN Advocate

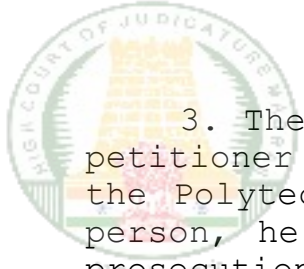
For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 28.09.2018 for the offences punishable under Sections 341, 294 (b) and 302 IPC, in Crime No.196 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons are said to have attacked one Pasupathi who is the brother of the defacto complainant. There seems to be some dispute between the deceased and the accused persons with regard to administration of the village. On 27.09.2018, the deceased Pasupathi was travelling in a bus, wherein, the accused was also travelling with him, on such time, he picked up a quarrel and assaulted him and the said Pasupathi got down and ran away from the place, towards his poultry farm, wherein, the defacto complainant and others were sitting. When the defacto complainant and the deceased Pasupathi chased the accused, the accused is said to have attacked the defacto complainant with wooden logs and as far as this petitioner is concerned, he had attacked the defacto complainant with log on his forehead, right side year and backside of the head, due to which, the deceased succumbed injuries.



3. The learned counsel for the petitioner would submit that the petitioner is a diploma holder, had recently completed diploma in the Polytechnic College and since the petitioner is a handicapped person, he could not have chased the deceased as projected by the prosecution. Further, there was a dispute with regard to administration of the village by the deceased and this petitioner has no personal motive as against the deceased. The learned counsel for the petitioner further submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl.side) for the respondent submitted the eye witnesses and most of the witnesses have been recorded and the investigation is almost over. He further submitted that the chemical analysis report is yet to be received.

5. Considering the facts and circumstances of the case and considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District and on further condition that:

[a] the petitioner shall report before the respondent police daily twice at Morning 10.30 a.m., and Evening 5.00 p.m., until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.



2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR 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.MURUGAPPAN Advocate SR.No. 22154

ORDER
IN
CRL OP(MD) No.20970 of 2018
Date :27/11/2018

JM/VR MMS/SAR 1/27.11.2018/3P/7C