



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2426 of 2019

PRAVEENKUMAR

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
ARANTHANGI TALUK,
PUDUKKOTTAI DISTRICT.
CRIME NO. 11/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.KRISHNA VENI, 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 who was arrested on 29.01.2019 for the offences under Sections 294(b), 324, 307 of IPC @ 302 of IPC ,in Cr.No.11 of 2019, on the file of the respondent police, seeks bail.

2. The defacto complainant and the petitioner are close relatives. The case of the prosecution is that during Gaja cyclone the petitioner's coconut tree fell on the defacto complainant's house for which there was a wordy quarrel, due to which the petitioner abused the defacto complainant's husband and assaulted him, for which he was admitted in the hospital and later succumbed to injuries. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has nothing to do with the alleged offence. He would further submit that due to sudden provocation which leads to quarrel between the petitioner and the defacto complainant's husband this incident had occurred and hence, he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that there is no previous case pending against the

petitioner. He would further submit that investigation is pending.

5. Considering the nature of the case and considering the period of incarceration, I am inclined to grant bail to the petitioner. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/02/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



3 THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
ARANTHANGI TALUK,
PUDUKKOTTAI DISTRICT

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4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.M.KRISHNA VENI, Advocate SR.No.3838

ORDER

IN

CRL OP (MD) No.2426 of 2019

Date :27/02/2019

AAV

PK/MMS/SAR-3/27.02.2019 : 3P/7C