



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

Tuesday, the Nineteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4127 of 2019

MUTHUKUMAR

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
Crime No.22 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.BALASUBRAMANIAN 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 05.02.2019 for the offences under Sections 294(b), 341, 323,324 of IPC and Section 4 of TNPHW Act @ 294(b), 341, 323, 302 of IPC and Section 4 of TNPHW Act ,in Cr.No.22 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.01.2019 the defacto complainant's mother fetch water from the public tap. At that time the petitioner and his wife said to have picked up quarrel with the defacto complainant's mother with regard to the fetching of water from the public tap, in which the defacto complainant's mother fell down, sustained injuries and admitted in the hospital and succumbed. 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 in judicial custody since 05.02.2019. Hence he would pray for bail to the petitioner.

<https://hcservices.court.gov.in/hcservices> The learned Additional Public Prosecutor on instructions would 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 II, Sathur 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/-
19/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO II,
SATHUR.

<https://hcservices.reports.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3. THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+2. CC to Mr. P. BALASUBRAMANIAN Advocate SR.Nos.5123,5155

ORDER

IN

CRL OP(MD) No.4127 of 2019

Date :19/03/2019

TK/VR/SAR-4/19.03.2019/3P/8C