



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6801 of 2019

1 TAMILARASAN
2 ALAGAR SAMY

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE THROUGH,
THE SUB INSPECTOR OF POLICE
M.RATTIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
CR.NO.33/2019, U/S.294(B), 342, 324,
506(2) AND 302 OF IPC

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.KR.SINGARAVADIVEL Advocate

For Respondent : MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor

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

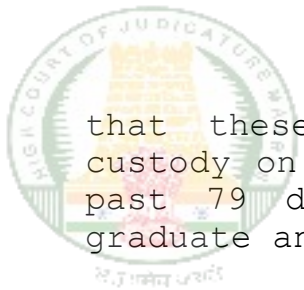
ORDER : The Court Made the following order :-

The petitioners/Accused No.1 & 2, who were arrested and remanded to judicial custody on 27.02.2019 for the offences punishable under Sections 294(b), 342, 324, 506(2) & 302 of IPC in Crime No.33 of 2019 on the file of the respondent police, seek bail.

2.Heard Mr.KR.Singaravadivel, learned Counsel for the petitioners and Mr.K.K.Ramakrishnan, Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that on 26.02.2019, the deceased Kannan in a drunken mood tried to misbehave with the daughter of the second petitioner/A2 and hence on a sudden provocation, the second accused assaulted the deceased with a stick on his legs and hands, which caused grievous injuries. Subsequently, the deceased was admitted in the hospital, where he succumbed to injuries even after provision of treatment. Hence, the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocents and have not committed any offences as alleged by the prosecution. The learned counsel further submitted



that these petitioners were arrested and remanded to judicial custody on 27.02.2019 and they are languishing in the jail for the past 79 days. Also, the first petitioner/A1 is an Engineering graduate and the second petitioner/A2 is a senior citizen.

5. The learned Additional Public Prosecutor on instructions from the respondent police would submit that there is no bad antecedent against the petitioners and also the substantial portion of the investigation has been completed. He also submitted that there are about five criminal cases pending on the file of M.Raddiyapatti Police Station upon the deceased Kannan.

6. Considering the facts and circumstances of the case and taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioners have already suffered incarceration for more than 79 days, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioners shall report before the respondent police daily at 10:30 a.m., until further orders;

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC and

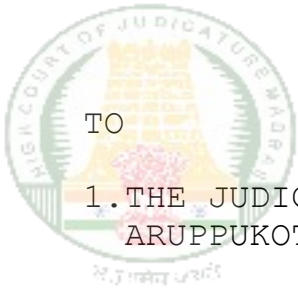
[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

16/05/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT .

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

3. THE SUB INSPECTOR OF POLICE
M.RATTIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT .

4. THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI

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

+1. CC to M/S.KR.SINGARAVADIVEL Advocate SR.No.8467

ORDER

IN

CRL OP(MD) No.6801 of 2019

Date :16/05/2019

STS/TA

PK/PN/SAR-2/17.05.2019 : 3P/7C