



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

Date : 10/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

WEB COPY

CRL OP(MD) . No.7453 of 2019

1. Rajkumar
2. Dineshkumar

... Petitioners/Accused No.1 & 2

- Vs-

The State Rep by
The Inspector of Police,
Kabistharam Police Station,
Thanjavur District.
Crime No.82 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran, Advocate.

For Respondent : V.Neelankandan,
Govt.Advocate (Crl.Side).

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

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.1 and 2 seeking bail for the alleged offence punishable under Sections 294 (b), 302 of IPC, in Crime No.82 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners herein are the sons of the deceased. He further submitted that even as per the FIR, that on 03.05.2019 at about 10.30 p.m., the deceased came to the house in a drunken mood with an intention to assault the petitioners and when the first petitioner tried to snatch the said aruval, the deceased attacked him with the aruval on his right hand and caused injury and thereafter both the petitioners snatched the said aruval from the deceased and attacked him and that the deceased was admitted in the hospital and died on the next day. He further submitted that the petitioners were arrested and remanded to judicial custody on 05.04.2019 and from that date onwards they are in custody and by this time the investigation might have been completed. He further submitted that the petitioners have been falsely implicated in this case and therefore, he prayed to grant of bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners herein attacked the deceased with aruval and iron pipe and caused grievous injuries and the deceased died in the hospital on the next



day. He further submitted that the investigation is not yet completed and therefore he strongly opposed this petition.

5. Taking into consideration of the allegations made against the petitioners and also the fact that even in the FIR itself it is stated that the deceased came with aruval and attacked the first petitioner and caused injury and also the fact that the petitioners are in custody for the past 63 days and by this time, a major portion of the investigation have been completed, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Papanasam, Thanjavur District.

[b] the petitioners shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-

10/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PAPANASAM, THANAJVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.9325

ORDER IN

CRL OP(MD) No.7453 of 2019

Date :10/06/2019