



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9851 of 2019

Soundararajan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Varusanadu Police Station,
Kadamalaikundu Circle,
Theni District
Crime No.65/2019

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan, Advocate for
M/s.Veera Associates,

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For bail in Cr.No.65 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Section 302 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 30.04.2019 and he is in custody for the past 72 days. He further submitted that by this time investigation might have been completed. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the defacto complainant is the mother of the deceased and the petitioner. He further submitted that the petitioner and his brother Patturaja (deceased) and their mother (defacto complainant) were residing in a common house and both the petitioner and the deceased claimed exclusive right over the said house. He further submitted that on 29.04.2019 at 7.00 p.m the petitioner came to the said house and at that time the deceased in an inebriated mood restrained the petitioner from entering into the house. Further the deceased destroyed TV and Home theatre and hence their mother put the petitioner inside the house. He further submitted that the deceased was sitting outside the house by saying that if the petitioner came out, he will cut him and thereafter he was sleeping there itself and at that time at about 11.00 p.m the petitioner came out of the house and lift a stone and put the same on the head of the deceased, due to which he sustained injuries and died. Hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration the fact that the petitioner and the deceased are brothers and also the fact that the quarrel arose between them with regard to claiming of ownership over the house and also the fact that as per the First Information Report the deceased indulged in quarrel with the petitioner after consuming liquor and also the fact that the petitioner is in custody for the past 72 days and by this time a major part of the investigation might have been completed this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 Judicial Magistrate, Andipatti.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

[d] the petitioner 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 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].



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

sd/-
12/07/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ANDIPATTI
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
KADAMALAIKUNDU CIRCLE,
THENI DISTRICT
 4. THE SUPERINTENDENT,
CENTRAL JAIL THENI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.11634

ORDER
IN
CRL OP(MD) No.9851 of 2019
Date :12/07/2019

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