



WEB COPY

CRL OP(MD) . No.11052 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2019

PRESENT

The Hon'ble Justice Mr.P.RAJAMANICKAM

CRL OP(MD) . No.11052 of 2019

Perumal

...Petitioner/sole Accused

Vs

The State rep by
The Inspector of Police,
Virusveedu Police Station,
Dindigul District.
Crime No.75/2019

... Respondent/Complainant

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

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

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

PRAYER :-

For bail in Cr.No.75/2019 on the file of the respondent police.

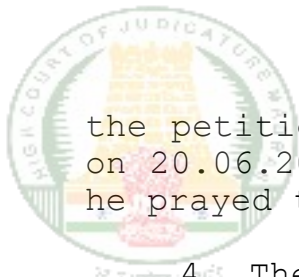
ORDER : The Court Made the following order :-

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 deceased is none other than the brother of the petitioner and that on 20.06.2019 at about 07.30a.m., there arose a quarrel between the petitioner and other brothers including the deceased Muthiah and they scuffle with each other, at that time, the deceased fell down into a ditch and sustained multiple injuries and thereby he died. He further submitted that due to property dispute and in order to take revenge against the petitioner, the wife of the deceased lodged this false complaint against the petitioner. He further submitted that

<https://hcservices.ecourts.gov.in/hcservices/>



the petitioner herein was arrested and remanded to judicial custody on 20.06.2019 and he is in custody for the past 47 days. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to property dispute, the petitioner has committed the murder of his own brother. Hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the allegations made against the petitioner and also the fact that the deceased and the petitioner are brothers, and already civil suit is pending between the parties and the petitioner is in custody for the past 47 days, 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, Nilakottai.

[b] the petitioner shall stay at Vellore and report before the Vellore Police Station daily at 10.30 a.m until further orders.

[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/-
06/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
NILAKOTTAI

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3. THE INSPECTOR OF POLICE,
VIRUVEEDU POLICE STATION,
DINDIGUL DISTRICT.

4. THE INSPECTOR OF POLICE
VELLORE POLICE STATION, VELLORE.

5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.K.ANANDAN Advocate SR.No.12915

ORDER

IN

CRL OP (MD) No.11052 of 2019

Date : 06/08/2019

aav

TK/VR/SAR.1/06.08.2019/3P/8C