

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.06.2020
CORAM
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR
Crl.O.P.No.8402 of 2020

Murugan

.... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thevoor Police Station,
Salem District.
(Crime No.30/2020)

....Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in the case pending investigation in Crime No.30 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thamaraiselvan
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.03.2020 for the offence under Sections 302, 307 of IPC and thereafter altered as per the dismissal order into under Sections 120 (b), 302, 307, 302 r/w. 149, 307 r/w. 149 of IPC, in Crime No.30 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of the deceased who was working in a TASMACH bar at Thannichanoor Edapadi. She has stated that on 11.03.2020 her husband went for job and he did not return back

home. On the same day, at about 8.30 p.m she received a phone call from one Murugan, co-employee of her husband, informed that some persons namely 1. Durairaj, 2. Vasudevan and 3. Mahendran who came to the bar, had picked up a quarrel with the deceased when the deceased questioned with regard to breaking of Kadappa stone at Tasmac Shop by the said persons. Thereafter, on the same day at about 9.30p.m., the aforesaid three persons 1. Durairaj, 2. Vasudevan and 3. Mahendran came back to the bar with knife and wooden rod and assaulted the deceased. On hearing the information from the said co-employee, the defacto complainant rushed to the occurrence place, took her husband to the hospital with grievous injuries, where he who declared dead. Hence, the complaint.

3. The learned counsel for the petitioner submitted the petitioner is arrayed as A4, there is no overt act as against this petitioner, and he has been falsely implicated in this case. The case is that the petitioner attacked the deceased with hands, when the other accused attacked the deceased, he escaped from the scene of occurrence along with other accused in a bike.

4. The learned Additional Public Prosecutor submitted that the quarrel took place between the deceased and A1 to A3. The Accused broken the Kadappa stone at Tasmac Shop, when the deceased questioned them, they assaulted the deceased

accompanying the other accused. A4 and A5 had come to the scene of occurrence along with knife and wooden rod and attacked the deceased. The deceased sustained grievous injuries and died. The other accused A4 & A5 escaped from the place of occurrence.

5. Taking into consideration the fact that the petitioner attacked the accused only with the hands and he rode the bike in which other accused escaped from the scene of occurrence and also considering the fact that the period of incarceration by the petitioner is more than 74 days, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

- a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison.
- b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed.
- [c] 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.
- [d] the petitioner shall report before the respondent police as and when required for interrogation.
- [e] the petitioner shall appear before the trial Court during every hearing date without fail.
- [f] the petitioner shall not tamper with evidence or witness either during investigation or trial.
- [g] the petitioner shall not abscond either during investigation or trial.
- [h] 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme
M.NIRMAL KUMAR.,J.

dh

Court in P.K.Shaji vs.State of Kerala[(2005)AIR SCW 5560].

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

11.06.2020

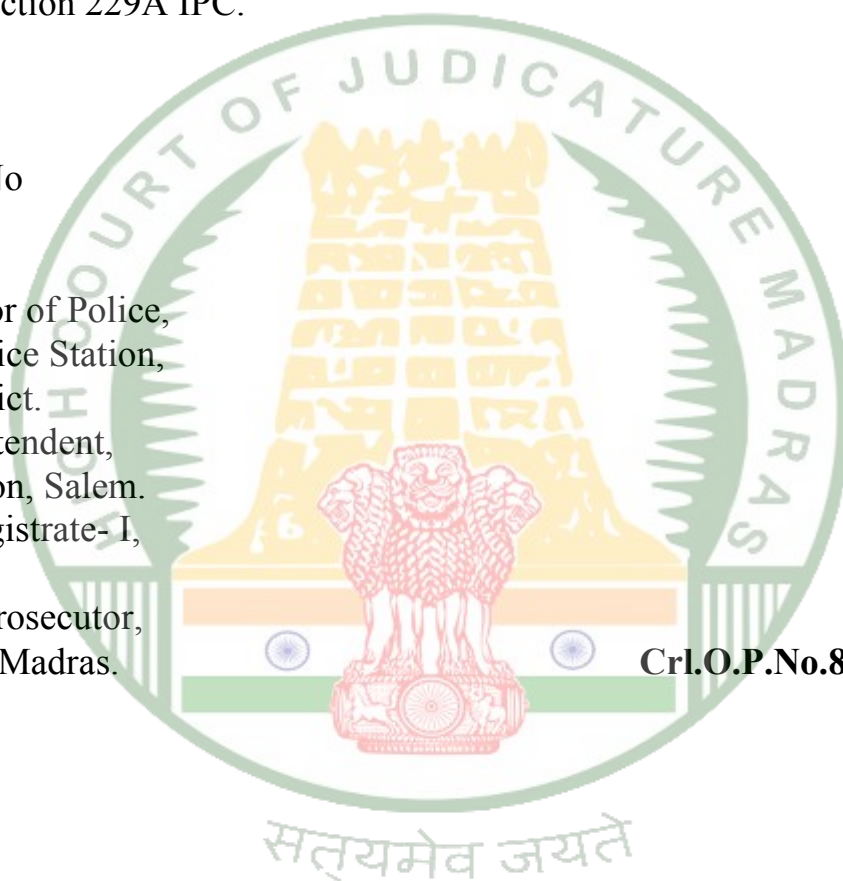
Internet: Yes/No

dh

To

1. The Inspector of Police,
Thevoor Police Station,
Salem District.
2. The Superintendent,
Central Prison, Salem.
3. Judicial Magistrate- I,
Sankari.
- 4.The Public Prosecutor,
High Court, Madras.

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