



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5315 of 2020

Arivazhagan @ Arivalagan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
(In Crime No.50 of 2020)

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

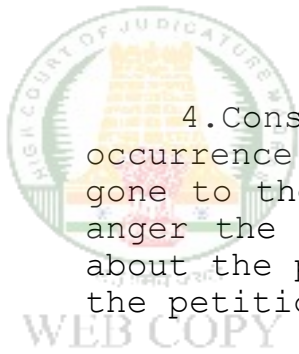
For Bail in Crime No.50 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused No.1 seeking bail for the alleged offence punishable under Sections 294 (b), 324 and 307 of IPC @ 302 of IPC in Crime No.50 of 2020.

2.The facts of the case is that on 01.03.2020 due to land dispute the deceased and his associates had gone to the house of the accused persons with weapon and picked quarrel. In the course of the quarrel, the brother of the petitioner who is arrayed as A-2 in this case has lost three fingers. The petitioner and his brother have retaliated which has ended in death of Naveen Deva S/O. Suriyakala/de-facto complainant.

3.The learned Additional Public Prosecutor appearing for the State would submit that due to lock down, the investigation could not be completed and the co-accused of the petitioner A-2 is getting treatment in the hospital and yet to be arrested.



4.Considering the nature of the offence and the place of occurrence it appears that the deceased is the aggressor who has gone to the house of the accused person with weapon and in a fit of anger the murder has taken place. Since there is no bad antecedent about the petitioner herein, this Court is inclined to grant bail to the petitioner.

5.Accordingly the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) subject to the satisfaction of the Superintendent, Central Prison, Tiruchirappalli and on further condition that

i) the petitioner herein shall execute a bond for a sum of Rs.25,000/-with two sureties within one month from the date of release to the satisfaction of the learned Judicial Magistrate Court, Srirangam.

ii)the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, SRIRANGAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE, KOLLIDAM POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.5315 of 2020
Date :13/05/2020