



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

Date : 08/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7121 of 2020

THAVAMURUGAN

... PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO. 97/2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.P.Mahendran,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

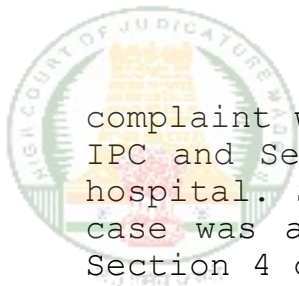
For Bail in Crime No.97/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 07.05.2020 for the alleged offences under Sections 294 (b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act @ Sections 302, 294 (b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act

2. The case of the prosecution is that on 06.05.2020 there was a dispute between the accused and the deceased family in respect of setting fire in the agricultural land, for which the deceased and his wife went to the house of the accused and there was a wordy quarrel. At that time the petitioner herein along with A2 attacked the deceased with a wooden log causing serious injury. Based on which

<https://hcmr.judges.org.in/casefiles>



complaint was registered under Sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act and the injured was admitted in the hospital. Subsequently he died on 04.06.2020 after 28 days and the case was altered to Sections 302, 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act.

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3. The learned counsel for the petitioner would submit that the deceased only went to the house of the petitioner herein and started quarrel. Due to wordy quarrel the occurrence has taken place. He would also submit that injured person was alive for 28 days and thereafter due to some complications he died. He would also submit that the petitioner is in jail for more than 60 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) opposed the bail petition on the ground that the petitioner only attacked the deceased and caused major injuries, which lead to the death of the deceased.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that it is only the deceased who went to the house of the petitioner and picked up quarrel and also the fact that the deceased person was alive for nearly 28 days and thereafter died due to some complications and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

iv) the petitioner shall not abscond during trial.

v) 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]**.



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

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
NARIKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7121 of 2020
Date :08/07/2020

AAV
JM/PN/SAR 2/08.07.2020/3P/6C