



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7345 of 2020

A.Karuppasamy

... Petitioner/Accused 2

Vs

State Rep.by
The Inspector of Police,
Thiruvengadam Police Station,
Tirunelveli District.
Crime No.105/2020.

... Respondent/Complainant

For Petitioner : M/s.A.R.Kannappan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

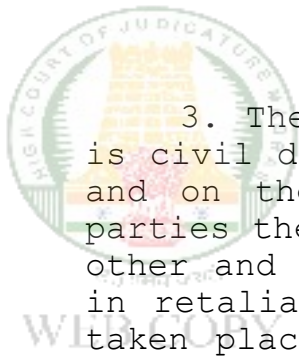
PRAYER :-

For Bail in Crime No.105 of 2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 04.05.2020 for the alleged offences under Sections 294 (b), 427, 452, 324,307 and 506(ii) of IPC @ 34, 294(b), 427,452,324,302 and 506(ii) of IPC

2. There are totally three accused in this case. The petitioner herein is arrayed as A2. The deceased is the uncle of the petitioner. The case of the prosecution is that earlier there was a civil dispute between the petitioner's family and the deceased family and on the date of occurrence there was a wordy quarrel between the parties and due to same the petitioner herein along with other accused persons said to have attacked the deceased with sickle and caused his death. So far as this petitioner is concerned he is said to have attacked the deceased with aruval on his head. Hence the complaint.



3. The learned counsel for the petitioner would submit that it is civil dispute between the parties. It is a case and counter case and on the date of occurrence due to wordy quarrel between the parties the petitioner along with others are said have attacked each other and A1 in this case also said to have sustained injuries and in retaliation to the same the present occurrence is said to have taken place. He would also submit that the petitioner is in jail for nearly 80 days and A1 and A3 in this case was released on bail by the Sessions Court, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and on the date of occurrence due to some wordy quarrel the petitioner herein is said to have attacked the deceased with aruval and A1 in this case is also said to have sustained injuries. He would also submit that similarly placed co-accused namely A1 and A3 in this case was released on bail by the Sessions Court.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the incident had occurred due to wordy quarrel between the parties regarding civil dispute and also the fact that similarly placed co-accused namely A1 and A3 in this case was released on bail by the Sessions Court 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, Sankarankovil, Tirunelveli District

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 on every Monday 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. Suresh vs. State of Kerala* [(2005) AIR SCW 5560].



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

sd/-
27/07/2020

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WEB COPY

/ /2020

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,
SANKARANKOVIL, TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7345 of 2020
Date :27/07/2020

MS/VR/SAR-2/27.07.2020/3P.6C