



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/07/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7454 of 2020

Shanmugasundaram

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Nagudi Police Station,
Aranthangi Taluk, Pudukkottai District.
(Crime No.344 of 2020).

... Respondent/Complainant

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

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

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

PRAYER :-

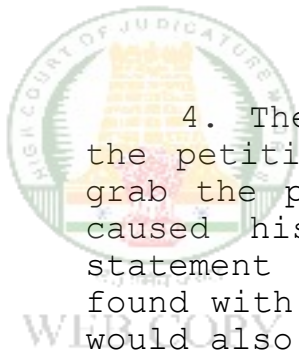
For Bail in Crime No. 344 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 21.05.2020 for the alleged offence under Section 174 Cr.P.C @ 302 of IPC.

2. The deceased Kalaiyaran is the brother of the accused. The case of the prosecution is that on 20.05.2020 the deceased was found with burn injuries in front of the house of the petitioner and he was taken to Pudukkottai Medical College Hospital for treatment, where he died. Based on the complaint given by the mother of the deceased initially a case was registered under Section 174 Cr.P.C and later it was altered to Section 302 of IPC. Subsequently the petitioner was arrested on the ground that due to civil dispute the petitioner herein is said to have set fire on the deceased and caused his death.

3. The learned counsel for the petitioner would submit that absolutely there is no material to connect the petitioner with the crime and the deceased is the mentally retarded person and he has self immolated himself for which the petitioner has been wrongly implicated. He would also submit that the petitioner is in jail from



4. The learned Additional Public Prosecutor would submit that the petitioner is the own brother of the deceased and in order to grab the property the petitioner has set fire on the deceased and caused his death. He would also submit that the confession statement of the petitioner clearly reveals that the deceased was found with burn injuries in front of the house of the petitioner. He would also submit that investigation is almost completed.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that as of now except the confession no other materials are available to implicate the petitioner herein and also the fact that investigation is almost completed 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, Aranthangi, Pudukottai 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 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/07/2020

/ TRUE 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,
ARANTHANGI, PUDUKOTTAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
NAGUDI POLICE STATION,
ARANTHANGI TALUK,
PUDUKKOTTAI DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7454 of 2020
Date :20/07/2020

AAV
SDS/PN/SAR-2/20.07.2020/3P/6C