



WEB COPY

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

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7613 of 2020

SEVUGAMOORTHY

... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 235 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Jothi Basu,
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 Cr.No. 235 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 17.05.2020 for the alleged offences under Sections 294(b), 323, 307, 506(ii) of IPC @ 294(b), 324, 307, 506(ii) and 302 of IPC.

2. The case of the prosecution is that there was dispute between the petitioner and the deceased regarding raising a bull for Jallikattu. Due to which on the date of occurrence there was a wordy quarrel in which the petitioner herein is said to have attacked the deceased with aruvl and also attacked the defacto
<https://hcservices.easim.com/hcservices/> other and caused injuries. Based on the complaint



given by the defacto complainant initially a case was registered under Sections 294(b), 323, 307, 506(ii) of IPC. Subsequently after four days the deceased died in the hospital, hence the case was altered to sections 294(b), 324, 307, 506(ii) and 302 of IPC.

3. The learned counsel for the petitioner would submit that the occurrence would have taken place in a wordy quarrel between the petitioner and the deceased due to sudden provocation. The petitioner herein attacked the deceased with wooden log available in the scene of occurrence and he died after four days in the hospital. He would also submit that the petitioner is in jail for 86 days and the investigation is almost completed. Hence he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that it is pre-mediated murder. Due to previous enmity the petitioner herein attacked the deceased with wooden log and caused his death. 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 the occurrence would have taken place due to sudden quarrel and also the fact the deceased died only after four days of the occurrence and also the fact that the 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 No.I, Srivilliputhur

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.

sd/-
12/08/2020

WEB COPY

/ 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 NO.I,
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
KOOMAPATTI 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.7613 of 2020
Date :12/08/2020

AAV
JM/VR/SAR 2/12.08.2020/3P/6C