



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7653 of 2020

1. Arun Kumar
2. Suresh
3. Soundarajan
4. Balaji

... Petitioners/Accused No.1,2,3 & 5

Vs

State Rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam, Thanjavur District.
Crime No.702 of 2020

... Respondent/Complainant

For Petitioners : M/s.A.Thiruvadi Kumar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

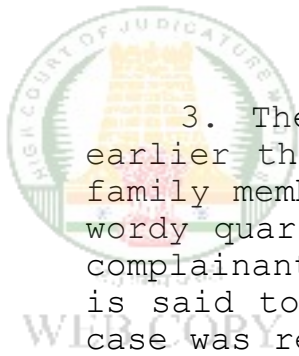
PRAYER :-

For Bail in Crime No. 702 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1,2,3 and 5 herein were arrested on 20.05.2020 for the alleged offences under Sections 147,148,294(b),324,302 of IPC.

2. The case of the prosecution is that previously there was a quarrel between A1, one Abinesh, Ajay and Muthuraja while they were playing carrom board, in which A1 assaulted Ajay and inturn Abinesh assaulted A1. Thereafter on 19.05.2020 at about 7.30 p.m., while the defacto complainant and others were sitting in front of the house of his uncle the A4 in this case scolded the defacto complainant. At that time A1 and A2 came out with aruval and attacked the defacto complainant and deceased in the thigh and A3 attacked the defacto complainant with iron rod and subsequently caused death of the deceased, hence the complaint.



3. The learned counsel for the petitioners would submit that earlier there was a quarrel between the defacto complainant and A1 family members and thereafter on the date of occurrence there was a wordy quarrel in which A1 was once again attacked by the defacto complainant party and caused injury, in retaliation the occurrence is said to have taken place. He would also submit that A4 in this case was released on bail by this Court on 13.07.2020 in Crl.O.P(MD) No.7178 of 2020. He would also submit that the petitioners are in jail for nearly 75 days, hence they seek bail.

4. The learned Government Advocate(Crl.Side) would submit that due to previous quarrel on the date of occurrence all the petitioners assembled together with dangerous weapons went to the house of the deceased and attacked him and caused his death. He would also submit that it is a case and counter case and A1 in this case was discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the incident would have occurred in a wordy quarrel in which the A1 in this case also sustained injuries and also taking into consideration the fact that A4 in this was released on bail and the investigation is almost completed and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

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 petitioners shall stay at Trichy and report before the Cantonment Police Station daily at 10.30 a.m until further orders.

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

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/08/2020

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/ /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.II, KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON,
TIRUCHIRAPPALLI.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
5. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7653 of 2020
Date : 03/08/2020

MS/VR/SAR-3/04.08.2020/3P.7C