



WEB COPY

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

Date : 30/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7940 of 2020

THANGARAJ

... PETITIONER/ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.345 OF 2020..

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/s.A.Haja Mohideen,
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.345 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 27.05.2020 for the alleged offences under Sections 341 and 302 of IPC.

2. The case of the prosecution is that there was a civil dispute between the petitioner and the deceased and a civil suit is also pending in a civil Court Nilakottai. Due to the same on 27.05.20 when the deceased was going in a two wheeler along with another person the petitioner is said to have attacked the deceased with wooden log and caused injuries, due to the same the deceased died in the spot.



3. The learned counsel for the petitioner would submit that there is a civil dispute between the parties and earlier a false complaint has been filed against the petitioner by the deceased family, now he has been falsely implicated in the above case. He would also submit that the petitioner is in jail for more than two months, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there is a civil dispute pending between the parties in respect of a piece of land and suit is also pending. Earlier the petitioner attacked the deceased and a criminal case is pending investigation with the above motive with the intention to cause death to the deceased the petitioner attacked him with wooden log and due to the same, the deceased died on the spot. He would also submit that both the petitioner and the deceased are neighbors if he is released on bail he will hamper the investigation and tamper with the witnesses.

5. On perusal of records and the averments made in the First Information Report, it is seen that there is a civil dispute pending in between the parties in respect of agricultural land and a civil suit is also pending and on the date of occurrence due to some provocation the petitioner is said to have attacked the deceased with wooden log and caused his death

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the incident might have occurred due to some provocation and also taking note of the fact that the petitioner is in jail for more than two months, this Court is inclined to grant bail to the petitioner subject to the following conditions:

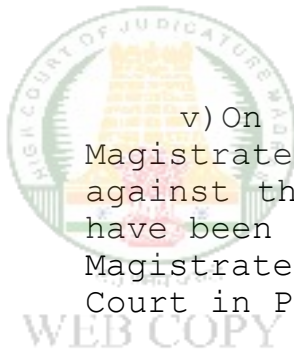
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai, Dindigul District

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 stay at Dindigul and report before the Dindigul Town North Police Station 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/-

30/07/2020

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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,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE,
DINDIGUL SUB-JAIL, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL.

ORDER

IN

CRL OP(MD) No.7940 of 2020

Date : 30/07/2020

AAV

<https://hcma.cemilab.gov.in/cse/cases/3M/EN/69A.P.2/1/30/07.2020/3P/7C>