



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

Date : 14/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8019 of 2020

Arockiyasamy

... Petitioner/Accused No.1

Vs

The State rep.by
The Sub Inspector of Police,
Vaiyampatti Police Station,
Trichirappalli District.
Crime No. 692 of 2020.

... Respondent/Complainant

For Petitioner : Mr.H.Shahul Hameed
Advocate.

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

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

PRAYER :-

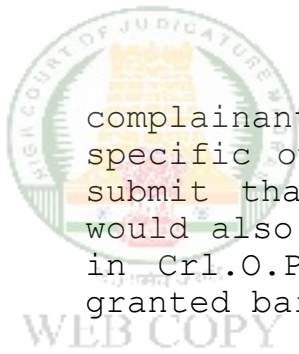
For Bail in Cr.No.692 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 26.05.2020 for the alleged offences under Sections 148,294(b),324,302 of IPC.

2.The case of the prosecution is that there is a dispute between the deceased family and the petitioner family in respect of using a Natham Purambokku. Earlier the deceased party has given complaint against the petitioner's family. Thereafter on the date of occurrence the A1 in this case said to have attacked the defacto complainant with aruval and A2 kicked the deceased in his private part. Thereafter the deceased was taken to hospital and on the way to hospital he died.

3. The learned counsel for the petitioner would submit that the occurrence would have taken place due to wordy quarrel between the parties and in sudden provocation A1 has attacked the defacto



complainant and kicked him in the private part and except this no specific overt act has been attributed against him. He would also submit that the petitioner is in jail for more than 75 days. He would also submit that A3, A4 and A5 were granted bail by this Court in CrI.O.P(MD)Nos. 7744,7536 and 7303 of 2020. Hence he may be granted bail.

4. The learned Government Advocate(CrI.Side) would submit that it is a pre-planned murder and A1 and A2 attacked the deceased and caused his death. He would also submit that A3, A4 and A5 were granted bail by this Court in CrI.O.P(MD Nos. 7744,7536 and 7303 of 2020. Hence he may be granted bail.

5. It is seen from the records there is a previous enmity in respect of using a Natham Purambokku land between the parties and the occurrence would have taken place due to wordy quarrel and due to some provocation the petitioner herein has attacked the defacto complainant and kicked the deceased in his private part. It is also submitted that A3, A4 and A5 were granted bail by this Court in CrI.O.P(MD) Nos. 7744,7536 and 7303 of 2020. Investigation in this case is almost completed and the petitioner is in jail for more than 75 days.

6. Taking note of the above facts and circumstances of the case, 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, Manapparai, Trichy 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 *Shriji 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/-
14/08/2020

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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,
MANAPPARAI, TRICHY DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3.THE SUB INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHIRAPPALLI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8019 of 2020
Date :14/08/2020

AAV
TK/PN/SAR.2/14.08.2020/3P/6C