



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8261 of 2020

Iruleswaran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Rameswaram Jetty Police Station,
Ramanathapuram District.
Crime No.165/2020.

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,
Advocate.

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

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

PRAYER :-

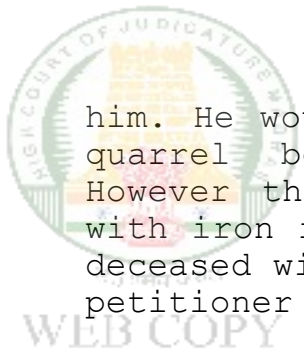
For Bail in Crime No.165 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 27.06.2020 for the alleged offences under Sections 294(b) and 302 of IPC.

2. The deceased Chandran is the father of the petitioner herein. The case of the prosecution is that on the date of occurrence there was a quarrel between the petitioner and his brother and at the time the deceased who came to the house failed to question the same. Hence the petitioner shouted at him and left the place. Thereafter the deceased followed the petitioner with iron rod and attacked him in the shoulder and in retaliation the petitioner herein attacked the deceased with wooden log and caused his death. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against



him. He would also submit that on the date of occurrence there was quarrel between the petitioner and the deceased and he went away. However the deceased only chased the petitioner and attacked him with iron rod first and in turn the petitioner herein attacked the deceased with wooden log in defence. He would also submit that the petitioner is in jail for nearly 45 days, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that deceased is the father of the petitioner and in a wordy quarrel the petitioner herein is said to have attacked the deceased with wooden log and caused his death and the investigation is going on.

5. From the materials available on record including the First Information Report, it is seen that the earlier there was a quarrel between the petitioner and his brother, and also with the deceased and left the house. Then the deceased followed him and attacked the petitioner herein with iron rod, in retaliation the petitioner 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 deceased only attacked the petitioner herein first and in retaliation the petitioner has attacked the deceased with wooden log available there and also taking into consideration the period of incarceration, 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, Ramanathapuram, Ramanathapuram 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 *Govindarajan P. v. 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

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

+1CC TO M/s.D.Balamurugapandi, Advocate, SR NO.5935

ORDER
IN
CRL OP(MD) No.8261 of 2020
Date :12/08/2020

MS/VR/SAR-2/12.08.2020/3P.7C