



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

Date : 25/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8549 of 2020

Ebanesar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Manur Police Station,
Manur,Tirunelveli District.
Crime No. 346 of 2020

... Respondent/Complainant

For Petitioner : M/s K.Muthurakkan,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

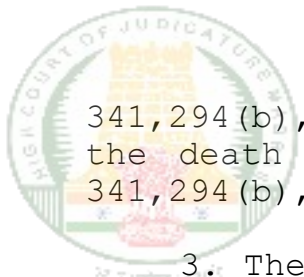
PRAYER :-

For Bail in Crime No. 346 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 14.07.2020 for the alleged offences under Sections 341,294(b),352,506(ii),302 of IPC and Section 4 of TNPHW Act.

2. The case of the prosecution is that when the defacto complainant was coming in a two wheeler the petitioner herein quarreled with him and also taken the key of the two wheeler. On the date of the occurrence the deceased, defacto complainant and his wife went to the accused house and asked the key at that time there was a wordy quarrel in which A1 is said to have attacked the deceased with wooden log on the back side of his head and the petitioner herein said to have kicked the the deceased and pushed her down. Thereafter she was taken to hospital, where she died on the next day. Initially a case was registered under Sections



341,294(b), 352,506(ii) of IPC and Section 4 of TNPHW Act and after the death of the deceased the case has been altered to Sections 341,294(b), 352,506(ii), 302 of IPC and Section 4 of TNPHW Act.

3. The learned counsel for the petitioner would submit that the occurrence would have taken place in a wordy quarrel and earlier when the deceased was admitted in the hospital the defacto complainant has given statement that in a wordy quarrel A1 pushed down the deceased and the deceased sustained small injuries in the head. Subsequently after the death of the deceased he has altered the version and stated that the petitioner herein attacked the deceased, even as per the First Information Report A1 said to have attacked the deceased in his dead and the petitioner herein only pushed the deceased.

4. The learned Additional Public Prosecutor would submit that for no reason the petitioner had attacked the deceased and only their family members caused her death. As per the First Information Report all the accused persons attacked the deceased with wooden log and caused death of the deceased.

5. It is seen from the First Information Report that in a wordy quarrel A1 in this case is said to have attacked the deceased with wooden log and sofar as this petitioner is concerned he only kicked the deceased and pushed her down, and from the Post Mortem Report it is also seen that the there is no external injuries on the body of the deceased, howver there is abrasion over the left side of the head. Investigation is almost completed.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

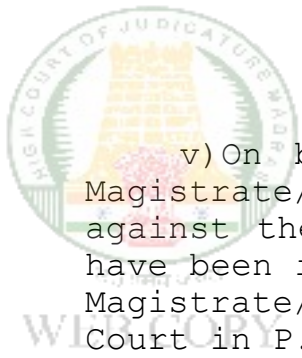
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli

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/-
25/08/2020

/ TRUE COPY /

/08/2020
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 5, TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
MANUR, TIRUNELVELI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8549 of 2020
Date :25/08/2020

AAV
TK/PN/SAR.3/25.08.2020/3P/6C