



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

Date : 26/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8829 of 2020

1. KANIMURUGAN
2. ALAGAMMAL

... PETITIONERS/ACCUSED NO.1 & 2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO.199 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.S.Ramasamy,
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.199 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein were arrested on 04.07.2020 for the alleged offences under Sections 294(b), 354,302 of IPC and Section 4 of TNPHW Act.

2. The petitioners and the deceased family are neighbors and there was frequent quarrel between them. On the date of occurrence the petitioners family were using loud speaker and caused nuisance in that area, due to that there was a quarrel between the parties in which the first petitioner is said to have pushed the deceased down and also pushed down another person by name Arumugam. Subsequently the deceased developed wheezing and she was taken to hospital, where she was not able to breathe and died. Hence the complaint.

<https://hcseswports.dca/hcservices/>



3. The learned counsel for the petitioners would submit that due to wordy quarrel between the parties the first petitioner said to have pushed the deceased and since the old lady having several health issues she died. He would also submit that post mortem report and the accident register does not disclose any external injuries. He would also submit that the petitioners are in jail for nearly 50 days and hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that due to wordy quarrel the occurrence had taken place and the first petitioner herein pushed the deceased down , due to which she died and yet another person sustained injuries.

5. From the perusal of materials available on record it is seen that on the date of occurrence due to some wordy quarrel in a sudden provocation the first petitioner herein only pushed the lady down and since the old lady aged about 61 years having several health complications, suffered wheezing and taken to hospital where she was declared dead. The Post Mortem Report and the Accident Register does not disclose any external injuries. 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 petitioners subject to the following conditions:

7. 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, Virudhunagar.

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 report before the respondent police as and when required for interrogation.

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



vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
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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 NO.II,
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SOLLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 5 THE OFFICER INCHARGE,
SUB JAIL FOR WOMEN, NILAKKOTTAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8829 of 2020
Date :26/08/2020

AAV
JM/PN/SAR 2/26.08.2020/3P/7C