



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9005 of 2020

1. Thangapandi
2. Surya

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Thillai Nagar Police Station
Trichy District.
(Crime No.386 of 2020)

... Respondent/Complainant

For Petitioners: Mr.N.Anandakumar,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

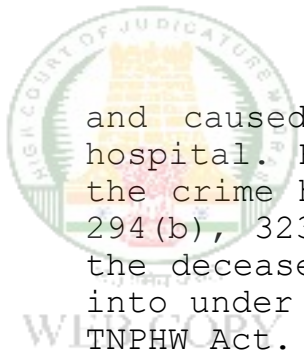
PRAYER :-

For Bail in Crime No. 386 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein were arrested and remanded to judicial custody on 23.07.2020 for the alleged offences under Sections 147, 294(b), 323 and 302 of IPC and Section 4 of TNPHW Act, in Crime No.386 of 2020 on the file of the respondent Police, seek bail.

2.Totally there are five accused in this case. The case of the prosecution is that the deceased viz., Muthulakshmi, who was working as labour in a construction site and the first petitioner herein is the supervisor in the same construction site. On the date of occurrence, due to dispute with regard to payment of wages, there was a quarrel between deceased and A1. At that time, the first petitioner/A1 has pushed the deceased down and she suffered injuries in the incident and thereafter the second petitioner/A2 and other accused said to have attacked the deceased with hands and leg



and caused injuries. Thereafter, the deceased was taken to the hospital. Based on the complaint given by the defacto complainant, the crime has been registered for the offences under Sections 147, 294(b), 323 and 307 of IPC and Section 4 of TNPHW Act. Subsequently the deceased died on the next day. Hence, the case has been altered into under Sections 147, 294(b), 323 and 302 of IPC and Section 4 of TNPHW Act.

3.The learned counsel appearing for the petitioners would submit that the occurrence said to have taken place in a wordy quarrel with regard to wages dispute. As per FIR, the allegation against the first petitioner/A1 is that he pushed the deceased down and other petitioner said to have attacked with hands and leg and caused minor injuries and she was taken to the hospital. The deceased was taking treatment in the hospital. However, she died, due to some other complications. He would also submit that the petitioners are in incarceration for more than 33 days, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that both A1 and A2 in this case attacked the deceased and caused injuries. Hence, he strongly opposed to grant bail to the petitioner.

5.Taking note of the above facts and circumstances of the case and also taking note of the fact that during the wordy quarrel, in a sudden provocation the occurrence said to have taken place. Even as per FIR, the allegation against the first petitioner is that he pushed the deceased down and other accused persons attacked the deceased with hands and leg. The postmortem report also disclose the fact that there is no injuries on the deceased. In the above circumstances and considering the period of incarceration and also considering the fact that the investigation is almost over, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on his 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.IV, Trichy;

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 daily at 10.30 a.m until further orders.

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 Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
27/08/2020

/ TRUE COPY /

/ /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.IV, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9005 of 2020
Date :27/08/2020

MS/VR/SAR-2/27.08.2020/3P.6C