



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

Date : 01/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9164 of 2020

1.Kannan
2.Poomari

... Petitioners/Accused No.1 & 2

Vs

State rep.by its.,
The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
(Crime No.124/2020).

... Respondent/Complainant

For Petitioners : M/s. R.J.Karthick,
Advocate.

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

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

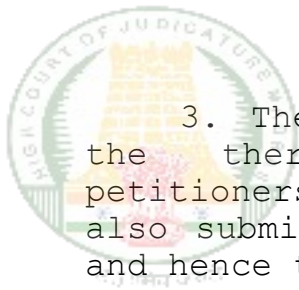
PRAYER :-

For Bail in Crime No. 124 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners herein were arrested on 24.07.2020 for the alleged offence under Sections 342 and 302 of IPC

2. The petitioners herein are arrayed as A1 and A2 who are the parents of the deceased. The deceased/Mariappan in this case is a drunkard and leading a wayward life. He also used to consume Ganja and frequently quarrelled with the petitioners, on the date of occurrence the deceased said to have quarreled with the petitioners demanding money. At that time out of frustration the petitioners said to have attacked the deceased and caused his death and left the body there. Based on the complaint given by the Village Administrative Officer the present has been registered.



3. The learned counsel for the petitioners would submit that there is no eye witness to the said occurrence and the petitioners have been falsely implicated in the above case. He would also submit that the petitioners are in jail for nearly one month and hence they may be granted bail.

WEB COPY

4. The learned Additional Public Prosecutor would submit that since the deceased quarrelled frequently with the petitioners they have attacked the deceased indiscriminately with wooden log and caused his death. Based on the complaint given by the Village Administrative Officer, the present case has been registered.

5. From the perusal of the records, it is seen that the deceased is the son of the petitioners and he is drunkard leading a wayward life and also frequently quarrelling with the petitioners demanding money. On the date of occurrence there was a wordy quarrel between the petitioners and the deceased and due to sudden provocation the petitioners said to have attacked the deceased and caused his death. Investigation is almost completed. The petitioners are in jail for nearly one month.

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, Sankarankovil

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



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

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sd/-
01/09/2020

/ /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, SANKARANKOVIL
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
- 4.THE OFFICER INCHARGE, SUB JAIL FOR WOMEN,
COKKARAKULAM, PALAYAMKOTTAI
- 5.THE INSPECTOR OF POLICE
SANKARANKOVIL TALUK POLICE STATION,
TENKASI DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9164 of 2020
Date :01/09/2020

AAV
PK/JC/SAR-3/01.09.2020 : 3P/7C