



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9283 of 2020

Sankar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.929 of 2020)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
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. 929 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 11.07.2020 for the alleged offences under Sections 452, 342, 294(b) and 302 of IPC, in Crime No.929 of 2020, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that earlier the deceased in this case got married to the sister's daughter of A1. Thereafter, due to misunderstanding between them, they were living separately. Once again, the petitioner said to have arranged the second marriage. Due to which, the petitioner along with A1 went to the house of the deceased, and at that time, the petitioner herein caught hold the defacto complainant and A1 said to have attacked the deceased with Aruval and caused serious injuries. Insofar as this petitioner is concerned, he caught hold the defacot complainant, who is the brother of the deceased. Thereafter, the deceased was taken to the Medical College Hospital, Thanjavur. Based on the complaint



given by the defacto complainant, the crime has been registered for the offences under Sections 452, 342, 294(b) and 307 of IPC. Subsequently the deceased died on the next day. Hence, the case has been altered into under Sections 452, 342, 294(b) and 302 of IPC.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that as per FIR, the allegation against the petitioner is that he caught hold the defacto complainant, who is the brother of the deceased and A1 said to have attacked the defacto complainant with Aruval and caused death. He further submitted that the petitioner is in jail for nearly 56 days and hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the petitioner, A1 and the deceased are relatives. Due to previous motive, the petitioner along with A1 went to the house of the deceased, and at that time, the petitioner herein caught hold the defacto complainant and A1 said to have attacked the deceased with Aruval with an intention to murder him and caused his death. He further submitted that the investigation yet to be completed. Hence, he opposed this petition.

5.On perusal of the materials available on records, it is seen that on the date of occurrence the petitioner along with A1 went to the house of the deceased and A1 said to have attacked the deceased with Aruval and caused serious injuries. Insofar as this petitioner is concerned, he caught hold the defacto complainant and there is no serious allegation against the petitioner. The petitioner is in jail for more than 50 days.

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.2, Thanjavur.

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.

<https://hcservices.courts.gov.in/hcservices/> 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/09/2020

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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.2, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9283 of 2020

Date : 03/09/2020

MS/AKM/SAR-3/03.09.2020/3P.6C