



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9648 of 2020

K.KALISAMY

... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.130 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Prabu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

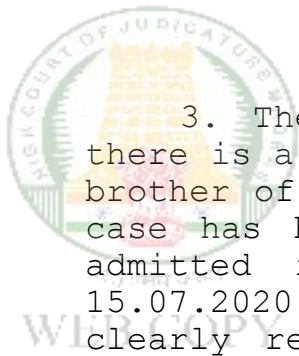
PRAYER :-

For a Bail in Crime No.130 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 11.07.2020 for the alleged offences under Sections 294 (b), 452,324,326,506(ii) of IPC @ 294(b), 452,324,326,506(ii), 302 of IPC.

2. Earlier there was a motive between the petitioner's family and the defacto complainant family. Due to which on the date of occurrence the petitioner's son went to the house of the deceased attacked the deceased with aruval and also attacked the defacto complainant, in which both of them sustained injuries. Immediately they were taken to hospital and admitted in the hospital for treatment. Initially crime was registered for offences under Sections 294(b), 452,324,326,506(ii) of IPC and after the death of the deceased on 26.07.2020 the case has been altered to Sections 294(b), 452,324,326,506(ii), 302 of IPC.



3. The learned counsel for the petitioner would submit that there is a previous enmity between two families where the father and brother of the petitioner was murdered now due to the same a false case has been foisted against the petitioner. The deceased was admitted in the hospital on 10.07.2020 and discharged on 15.07.2020 and he died on 26.07.2020 and the post mortem certificate clearly reveals that the deceased died due to Cardio Vascular disease.

4. The learned Government Advocate(Crl.Side) would submit that there was previous enmity between the family members of the petitioner as well as the son of the defacto complainant and in retaliation the petitioner attacked the defacto complainant and the deceased and caused death.

5. The occurrence said to have taken place on 10.07.2020, injured was discharged from the hospital on 15.07.2020 and the deceased died on 26.07.2020. From the perusal of the Post Mortem Certificate it is seen that the deceased died due to cardio vascular problem. It is also stated that the investigation is almost completed.

5. 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:

6.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.II, Kovilpatti

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 stay at Virudhunagar and report before the Virudhunagar Town Police Station 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 *Govindarajan P. v. State of Kerala* [(2005) AIR SCW 5560].



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

sd/-
18/09/2020

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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.II,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE
VIRUDHUNAGAR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

ORDER
IN
CRL OP(MD) No.9648 of 2020
Date :18/09/2020

aav
JM/PN/SAR II/18.09.2020/3P/7C