



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

Date : 15/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9788 of 2020

PANDI

... PETITIONER/ACCUSED NO.2

VS

STATE REP.BY  
THE INSPECTOR OF POLICE,  
SIVAKASI EAST POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
(IN CRIME NO. 834 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Jegadeesh Pandian,  
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. 834 of 2020 on the file of the  
respondent police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial  
custody on 02.08.2020 for the alleged offences under Sections  
307 @ 302 of IPC

2. The petitioner herein and the deceased are own brothers. The  
case of the prosecution is that there was money dispute between the  
petitioner and the deceased and on 01.08.2020 the deceased went to  
the petitioner's house and asked to re-pay the amount and also taken  
three goats from the house of the petitioner. When the same was  
questioned by the petitioner, there was a quarrel between the  
petitioner, deceased and the father of the petitioner, in the said  
quarrel the petitioner said to have pushed the deceased near a  
pillar and he fall down on a boulder stone and sustained head  
injuries. Immediately he was taken to hospital and crime was  
registered for offence under Section 307 of IPC. Subsequently after  
five days the deceased succumbed to injuries and the case was  
registered under Section 302 of IPC.



3. The learned counsel for the petitioner would submit that both the petitioner and the deceased are own brother and there was a money dispute between them and on the date of occurrence there was a quarrel between them in which the petitioner herein said to have pushed the deceased he fell down and sustained injuries in the head and admitted in the hospital. He was alive in the hospital for five days and thereafter he died on 06.08.2020. The petitioner has no intention to cause death of the deceased and the occurrence is said to have taken place in a wordy quarrel.

4. The learned Government Advocate(Crl.Side) would submit that both the petitioner and the deceased are own brother and there was a money dispute between them, in which the petitioner said to have pushed the deceased down and caused his death. Investigation is still pending.

5. It is seen from the materials available on record there was a money dispute between the petitioner and the deceased demanding money and the deceased has taken three goats belonging to the petitioner, the same was questioned by the petitioner and there was a wordy quarrel in which the petitioner said to have pushed the deceased, and he fell down and sustained injuries and immediately taken to hospital, where he was alive for five days thereafter died.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the occurrence is said to have taken place in a wordy quarrel the petitioner only pushed the deceased down 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.II, Sivakasi

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.

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

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

sd/-  
15/09/2020

/ 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.II,  
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE  
SIVAKASI EAST POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9788 of 2020  
Date :15/09/2020

AAV  
JM/AKM/SAR I/15.09.2020/3P/6C