



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

Date : 21/09/2020

PRESENT

**The Hon'ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD). No.9803 of 2020

1.Siva  
2.Jegan

...Petitioners/Accused No.1 & 2

**Vs**

The State rep. by  
The Inspector of Police,  
Thattarmadam Police Station,  
Thattarmadam,  
Thoothukudi District.  
Crime No.175/2020.

... Respondent/Complainant

For Petitioners : M/s.K.Arunraj, 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.175/2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/A1 and A2 herein were arrested on 17.08.2020 for the alleged offence under Section 302 of IPC.

2. The case of the prosecution is that the deceased is the father of the petitioners, who is a drunkard and he used to quarrel with the family members frequently. Two months prior to the occurrence deceased quarrelled with the petitioners and his wife and also attacked his wife with aruval and caused injuries, for which a crime has been registered against the deceased. Once again on the date of occurrence while the petitioner was taking water in a common tape the deceased said to have quarrelled with the petitioner and their mother, at that time the petitioners herein said to have attacked the deceased with wooden stick and left him. Thereafter at about 3.30 pm., they found the deceased dead. Based on the complaint given by the brother of the deceased crime has been registered.



3. The learned counsel for the petitioners would submit that the deceased is the father of the petitioners and the petitioners are brothers. He would also submit that the deceased used to frequently quarrel with the petitioners and their mother and due to the harassment made by the deceased and the petitioners and their mother are living separately. On the date of occurrence in the morning there was a wordy quarrel in which the petitioners said to have attacked the deceased with wooden stick and left him there. subsequently at 3.30 pm., he died. He would also submit that the petitioners were in jail for more than one month, hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioners are the son of the deceased and there was a frequent quarrel between the petitioners and the deceased, due to which on the date of occurrence the petitioners said to have attacked the deceased with wooden stick and caused his death.

5. The deceased is the father of the petitioners who is said to be a drunkard. He used to quarrel with the family members, hence the petitioners are living separately with their mother. Two months prior to the occurrence the deceased said to have attacked the mother of the petitioners and caused injuries and crime was also registered against the deceased. Once again on the date of occurrence there was a wordy quarrel between the deceased and his wife and when the same was questioned by the petitioners in which the petitioners said to have attacked the deceased with wooden stick available in the scene of occurrence and the deceased said to have died at about 03.30 pm.,

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 sudden provocation in a wordy quarrel 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, Sathankulam,

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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
21/09/2020

/ 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, SATHANKULAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT,  
CENTRAL JAIL, PALAYAMKOTTAI.
4. THE OFFICER INCHARGE,  
DISTRICT JAIL, PERURANI.
5. THE INSPECTOR OF POLICE,  
THATTARMADAM POLICE STATION,  
THATTARMADAM, THOOTHUKUDI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN  
CRL OP(MD) No.9803 of 2020  
Date : 21/09/2020

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<https://hoseervices.courts.gov.in/hoseervices/> TK/VR/SAB.3/21.09.2020/3P/7C