



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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10020 of 2020

SERMARAJ @ SEMRAJ

... PETITIONER/ACCUSED NO.1

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.

(REF. CRIME NO.346/2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.P.Samuel Gunasingh,
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.346/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 15.07.2020 for the offences punishable under Sections 294(b), 341,352,506(ii) ,302 of I.P.C and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 13.07.2020 there was a wordy quarrel between the defacto complainant, petitioner and others and on the date of occurrence while the defacto complainant was coming in a two wheeler the petitioner herein waylaid him and quarrelled with him and also taken the key of the two wheeler which was ridden by the defacto complainant. At this juncture the first accused herein said to have attacked the deceased with wooden log on his head, thereby she sustained injuries and immediately she was taken to hospital and on the next day she succumbed to injuries. Initially a case was registered under Sections 341,294(b),352,506 (ii) of IPC and Section 4 of TNPHW Act and after the death of the deceased the case has been altered to Sections 341,294(b),352,506 (ii) of IPC and Section 4 of TNPHW Act.



3.The learned counsel for the petitioner would submit that at the time of giving complainant the defacto complainant has stated that the petitioner herein attacked the deceased with wooden log on her head but in the alteration report he has stated that while the petitioner pushed the deceased down she fall down and sustained injuries on her head. He would also submit that co-accused in this case was released on bail by this Court on 25.08.2020 in Crl.O.P(MD) No.8549 of 2020.

4. The learned Government Advocate(Crl.Side) would submit that there are totally three accused in this case and the petitioner herein is arrayed as A1. He would also submit that on 13.07.2020 there was a wordy quarrel between the defacto complainant, petitioner and others, due to which the petitioner herein said to have attacked the deceased with wooden log on the head, thereby she sustained injuries and immediately she was taken to hospital and on the next day she succumbed to injuries. He would also submit that investigation in this case is almost completed and final report has been filed before the learned Judicial Magistrate No.V, Tirunelveli and the same has been taken cognizance in PRC No. 80 of 2020 and pending committal. He would also submit that co-accused in this case was released on bail by this Court on 25.08.2020 in Crl.O.P(MD) No.8549 of 2020.

5. It is seen that there are three accused in this case and the petitioner herein is arrayed as A1. Due to wordy quarrel the occurrence said to have taken place and there is no previous enmity between them and there is no motive for the said occurrence. It is also now stated that investigation in this case is almost completed and final report has been filed before the learned Judicial Magistrate No.V, Tirunelveli and the same has been taken cognizance in PRC No. 80 of 2020 and pending committal and co-accused in this case was granted bail by this Court.

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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli

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
<https://hc30services.mca.gov.in/hc30services/> 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/-

05/10/2020

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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.V,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
MANUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10020 of 2020

Date :05/10/2020

AAV

JM/PN/SAR III/05.10.2020/3P/6C