



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10029 of 2020

1. PALANIYAMMAL

2. AYYASAMY

... PETITIONERS/ACCUSED NO.6,7

VS

STATE REP.BY

THE INSPECTOR OF POLICE,

CHINNAMANUR POLICE STATION,

CHINNAMANUR, THENI DISTRICT.

CRIME NO.1956 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.S.Muniyandi,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.1956 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A6 and A7 herein were arrested on 22.08.2020 for the alleged offences under Sections 147,148,294(b), 452,324,307,302 of IPC.

2. The petitioners and the deceased are agriculturist. The case of the prosecution is that the accused persons raised sugar cane in the agricultural field and the deceased said to damaged the sugar cane, due which there was a quarrel between the parties. On 21.08.2020 at about 8.00 pm.,all the accused went to the house of the deceased and quarrelled with him. Thereafter once again at 9.00 pm.,all the accused again went to the house of the deceased with



deadly weapons and A1 to A4 in this case said to have attacked the deceased indiscriminately with knife and caused his death. At that time the petitioners herein said to have pelted stones on the deceased and left the scene of occurrence.

3. The learned counsel for the petitioner would submit that even as per the First Information Report the allegation is that A1 to A4 said to have attacked the deceased and caused his death and the petitioners being parents of A1, they have been falsely implicated in the above case. He would also submit that A5 in this case was granted anticipatory bail by this Court on 02.09.2020 in Crl.O.P(MD) No. 9217 of 2020.

4. The learned Additional Public Prosecutor would submit that due to previous motive all the accused persons went to the house of the deceased with dangerous weapon and caused his death. So far as these petitioners are concerned they pelted stones on the deceased.

5. From the perusal of the record it is seen that the motive is trivial in nature and as per the First Information Report A1 to A4 said to have attacked the deceased and caused his death and these petitioners who are the parents of A1 said to have pelted stones on the deceased. Except this no other allegation has been levelled against the petitioner. It is also stated that A5 in this case was granted anticipatory bail by this Court.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the main allegations are against A1 to A4 only 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, Uthamapalayam.

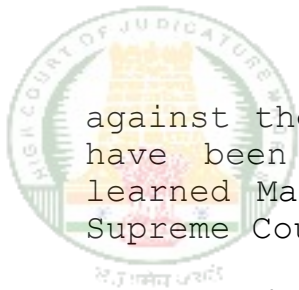
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police as and when required for interrogation.

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/Judicial Magistrate/ 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,
UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
CHINNAMANUR, THENI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, NILAKOTTAI.
- 5 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10029 of 2020
Date :21/09/2020

AAV

<https://hccs.jsc.gov.in/Files/2020/3P/7C>