



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

Date : 24/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10232 of 2020

Vijayakumar

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Kayathar Police Station,
Tuticorin District.
Crime No.552 of 2020

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
Advocate.

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

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

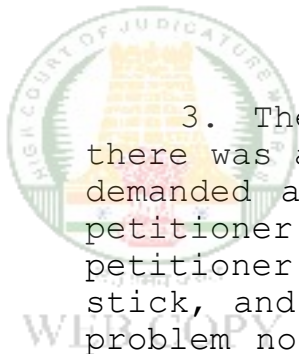
PRAYER :-

For a Bail in Cr.No.552 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A4 herein were arrested on 10.08.2020 for the alleged offences under Sections 188,269,342,294(b) and 302 of IPC.

2. The case of the prosecution is that on 26.07.2020 at evening the deceased said to have gone to a bar attached to the the tasmac shop run by the accused persons and asked them to provide him a liquor. At that time there was a quarrel between them and all the accused said to have attacked the deceased with wooden stick. Thereafter the deceased spent the night near one Anthonyraj house and next day morning he went to his house and told his wife that he had some breathing problem. Immediately he was taken to hospital, where he was declared dead. Based on the complaint given by the wife of the deceased, the present complaint has been registered and the petitioner was arrested on the same day.



3. The learned counsel for the petitioner would submit that there was a wordy quarrel in the bar where the deceased said to have demanded a liquor bottle for 100 rupees which was refused by the petitioner and others and there was a wordy quarrel in which the petitioner and others said to have attacked the deceased with wooden stick, and next day morning the deceased died due to some breathing problem not due to the injuries sustained by him. The Post Mortem Certificate also clearly reveals that there was serious injuries on the body of the deceased. He would also submit that A2 and A3 were granted bail by this Court in Crl.O.P(MD) No.9507 of 2020 on 21.09.2020.

4. The learned Government Advocate(Crl.Side) would submit that the accused persons are running a bar where the deceased said to have demanded liquor and at that time there was a wordy quarrel in which the petitioner and others said to have attacked the deceased with wooden stick and in the next day morning he died due to injuries suffered by him. He would also submit that A2 and A3 were granted bail by this Court in Crl.O.P(MD) No.9507 of 2020 on 21.09.2020

5. It is seen that the accused persons are running a bar, where the deceased demanded liquor bottle for cheap price and there was a wordy quarrel in which the petitioner and others said to have attacked the deceased with wooden stick. Occurrence said to have taken place on 26.07.2020 evening, and the deceased died next day morning on 27.07.2020. From the perusal of the records it is seen that the occurrence is said to have taken place in a wordy quarrel between the parties and in a sudden provocation the petitioner and others said to have attacked the deceased with wooden sticks available in the scene of occurrence and he died on the next day. It is also stated that investigation is almost completed and co-accused namely A2 and A3 were released on 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 petitioners 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) each 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 report before the respondent police

<https://hcservices.mca.gov.in/hc30/vices/> 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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/09/2020

/ 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, KOVILPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, TUTICORIN DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10232 of 2020
Date : 24/09/2020

AAV

<https://hccvcrs.cerba.gov.in/hccservices> 2020/3P/6C