



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

Date : 12/10/2020

PRESENT

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

CRL OP (MD) . No.11157 of 2020

Periyamathish

... Petitioner/Accused (Rank Not known)

Vs

The State rep.by
The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.
In Crime No. 382 of 2020.

... Respondent/Complainant

For Petitioner : M/s.T.Palanisamy,
Advocate.

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

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

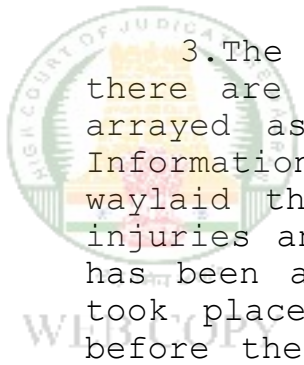
PRAYER :-

For Bail in Crime No.382 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 12.08.2020 for the offences punishable under Sections 341,294(b),342,324,302 and 506 (ii)of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 30.07.2020 when the deceased along with his relatives were returning home A1 and A2 came to the place of occurrence in their two wheeler and waylaid the deceased. When the deceased and other relatives got down from the car A1 and A2 started quarrel and attacked the deceased. Thereafter two other persons also came to the place of occurrence and attacked the deceased and he sustained injuries. Immediately he was taken to Government Hospital, Tirunelveli where he was declared dead. Further is is alleged that the first accused fell in the love with the daughter of the deceased and after negotiation with elders the defacto complainant refused to marry her daughter to the first accused. Thereafter the first accused along with his friends namely A2 to A4 decided to do away the life of the deceased and attacked him with deadly weapons and caused his death.



3. The learned counsel for the petitioner would submit that there are four accused in this case, in which the petitioner is arrayed as A4 and his name does not found place in the First Information Report. Even as per the prosecution only A1 and A2 waylaid the deceased and attacked him and as such he sustained injuries and died. He would also submit that no specific overt act has been attributed against the petitioner. Infact the occurrence took place on 30.07.2020 and the petitioner himself surrendered before the respondent police on 12.08.2020. He would also submit that the petitioner is in jail for nearly 61 days, hence he may be granted bail.

4. The learned Government Advocate (Crl. Side) would submit that the first accused fell in love with the daughter of the deceased and thereafter panchayat was held in which the defacto complainant refused to marry his daughter to the first accused, due to which there was a quarrel between the first accused and the deceased family. While being so, on 30.07.2020 when the deceased along with his relatives proceeded to his house they were waylaid by the accused persons and attacked with deadly weapons. So far as this petitioner is concerned, being a friend of A1 he was present at the time of occurrence and specific overt act has been attributed against him. He would also submit that investigation is yet to be completed and the waiting for chemical analysis report.

5. It is seen there are two named and two unnamed accused in this case and the petitioner herein is arrayed as A4. Admittedly, the first accused fell in love with the daughter of the deceased and thereafter panchayat was held in which the defacto complainant refused to marry his daughter to the first accused, due to which there was a quarrel between the first accused and the deceased family. While being so on 30.07.2020 when the deceased along with his relatives proceeded to his house they were waylaid by the accused persons and attacked with deadly weapons. The petitioner voluntarily surrendered before the respondent police. It is also seen that the petitioner herein is the friend of A1 and he had not indulged directly with the deceased or his family.

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.II, Tenkasi.

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.

<https://hcservices.ecourts.gov.in/hcservices/>

ii) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., 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/-

12/10/2020

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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.II, TENKASI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION, TIRUNELVELI DISTRICT.

5 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.PALANISAMY Advocate SR.No.19808.

ORDER

IN

CRL OP(MD) No.11157 of 2020

Date :12/10/2020