



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

Date : 16/10/2020

PRESENT

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

CRL OP(MD). No.11590 of 2020

1. Boominathan
2. Murugan
3. Vijay

...Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
in Crime No.1077 of 2020

... Respondent/Complainant

For Petitioners : M/s.M.Maran, 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.1077 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who was arrested and remanded to judicial custody on 27.07.2020 for the offences punishable under Sections 294(b), 302 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 23.07.2020 the deceased and the son of the first petitioner namely Dhiwakar were consuming liquor and at that time the first petitioner shouted the deceased and there was a wordy quarrel between the first petitioner and the deceased. Thereafter on 26.07.2020 at about 09.30 pm., the deceased along with his friends went to the house of the first petitioner and asked about the previous occurrence at that time the petitioners herein brutally attacked the deceased due to which he sustained injuries and died.

3.The learned counsel for the petitioners would submit that the deceased is a rowdy element and several previous cases are pending against him. He would also submit that the petitioners are no way



connected with the incident and there is no material available on record to implicate the petitioners herein with the said crime.

4. The learned Government Advocate(Crl.Side) would submit that when the first petitioner and the son of the deceased Dhiwakar were consuming liquor and at that time the first petitioner shouted the deceased and during that time there was a wordy quarrel between the first petitioner and the deceased. Thereafter on 26.07.2020 at about 09.30 pm., the deceased along with his friends went to the house of the first petitioner and asked about the previous occurrence at that time the petitioners herein brutally attacked the deceased due to which he sustained injuries and died.

5. It is seen that there are three accused in this case and the petitioners are arrayed as A1 to A3. The first petitioner and the second petitioner are brothers and the third petitioner is the son of the second petitioner. There was a dispute between the deceased and the petitioners while consuming alcohol. In this regard there was a quarrel between the deceased and A1. Thereafter on the date of occurrence when the deceased went to the house of the petitioners A1 along with second and third petitioners attacked the deceased with aruval and knife and as he sustained injuries and died.

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 petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Madurai

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



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/10/2020

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

ORDER
IN
CRL OP(MD) No.11590 of 2020
Date :16/10/2020

MS/VR/SAR-3/16.10.2020/3P.6C