



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2020

PRESENT

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

CRL OP(MD). No.12193 of 2020

Maideen ... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
(Crime No.118 of 2019). ... Respondent/Complainant

For Petitioner : Mr.J.Sulthan Basha, Advocate
for M/s.Ajmal Associates
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

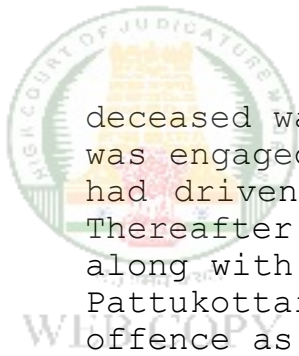
PRAYER :- For a Bail in Crime No.118 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 31.08.2020 for the offences punishable under Sections 174 Cr.P.C @ 302 and 201 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the deceased is the driver of the first accused and the first accused is the owner of the lorry. The deceased without the knowledge of the owner/first accused had taken the load from Chittore to Pattukottai via Pondycherry, in this regard there was a wordy altercation between the accused persons and the deceased, in which all the accused persons have beaten the deceased by hands and leg and thereafter they have also thrown the body of the deceased in the pond.

3.The learned counsel for the petitioner would submit that there are three accused in this case and the petitioner herein is the first accused is the owner of the lorry and the



deceased was working as driver under the first accused. The vehicle was engaged to Chittore from Pattukottai and on return the deceased had driven the lorry inebriated condition and caused the accident. Thereafter the petitioner as instructed by the first accused went along with other accused persons and had helped to take the lorry to Pattukottai. Thereafter the petitioner had never committed any offence as alleged by the prosecution and he further submitted that the petitioner was arrested and remanded to judicial custody on 31.08.2020.

4. The learned Government Advocate(Crl.Side) would submit that the body of the deceased was found by the Village Administrative Officer and initially a case was registered in Crime No. 118 of 2019 for the offence under Section 174 Cr.P.C and on the confession of the statement of the first accused this petitioner has been implicated as an accused. The first accused is the owner of the lorry and the deceased was working under him as driver. Without knowledge and consent of the first accused the deceased has taken load from Chittore to Pondicherry and thereafter there was a wordy quarrel between them due to which the accused have attacked the deceased with hands and legs and also thrown the body of the deceased into the pond.

5. It is seen that there are three accused in this case and the petitioner herein is arrayed as A3. The first accused beaten the deceased by his hands and legs and thereafter he died and thereafter with the help of other accused persons the body of the deceased was thrown into the pond.

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:

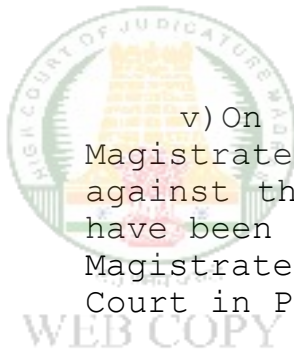
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thanjavur

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 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/-
23/11/2020

/ 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,
THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.Ajmal Associates SR.No. 7639

ORDER
IN
CRL OP(MD) No.12193 of 2020
Date :23/11/2020

aav

<https://hcmvscs.courts.gov.in/Tcrs/11.2020/3P/7C>