



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

Date : 01/12/2020

PRESENT

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

CRL OP(MD). No.13689 of 2020

Ramalingam

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram District.
Crime No.264 of 2020

... Respondent/Complainant

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

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

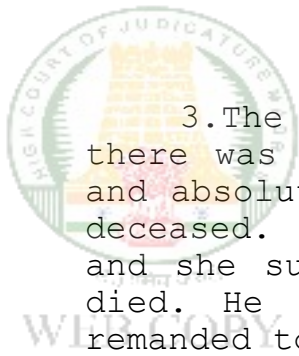
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.264 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 21.10.2020 for the offences punishable under Sections 304 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that there was a dispute between accused family and the deceased family due to which the deceased lodged a complaint against the accused persons, in which enquiry was conducted between the accused and the deceased. While being so on 20.10.2020 there was a quarrel between the deceased and other cousin brother in respect of feeding neem leaves to the goats. Thereafter the deceased entered in to a wordy quarrel and also lodged complaint against the accused persons in which the accused persons had also beaten the deceased and pushed her down, due to which she sustained injuries on her head and immediately she was taken to the Government Hospital, where she was declared dead.



3.The learned counsel for the petitioner would submit that there was a sudden quarrel between the petitioner and the deceased and absolutely there is no motive for the petitioner to murder the deceased. Due to wordy quarrel the petitioner pushed the deceased and she sustained grievous injuries and due to her ill health she died. He further submitted that the petitioner was arrested and remanded to judicial custody on 21.10.2020, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity between the petitioner and the deceased the petitioner pushed the deceased down , as such she fell down and sustained grievous injuries and died. Hence the respondent police registered case under Section 304 of IPC.

5. It is seen that the petitioner is a sole accused. Due to previous enmity on the date of occurrence there was a quarrel in which the petitioner pushed her down and she sustained grievous injuries on her head, immediately she was taken to hospital and died. Even according to the case of prosecution the petitioner had no intention to murder the deceased.

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, Ramanathapuram, Ramanathapuram District

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 for a period of four weeks and thereafter as and when required for interrogation.

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 *Govindarajan P. v. State of Kerala* [(2005) AIR SCW 5560].



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

sd/-
01/12/2020

WEB COPY

/ 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,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
ERVADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13689 of 2020
Date :01/12/2020

aav
JM/PN/SAR II/01.12.2020/3P/6C