



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.13710 of 2020

Sivaprakash @ Sivaprakasham

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thirukoshtiyur Police Station,
Karaikudi, Sivagangai District.
Crime No.160/2020

... Respondent/Complainant

For Petitioner : Mr.S.M.Sanjay, Advocate.

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

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

PRAYER :-

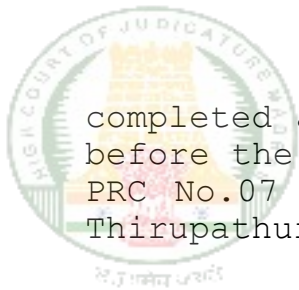
For Bail in Crime No.160 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.09.2020 for the offences punishable under Sections 294(b), 323,324,506(ii) and 302 of I.P.C on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 16.09.2020 the accused persons, deceased and the defacto complainant went to the liquor shop for drinking and after consuming alcohol whey they were coming out from the wine shop there was a quarrel between them. Though the nearby shop owners intercepted and compromised the accused persons attacked each other, due to which the deceased sustained injuries on his head and died. The defacto complainant also sustained injuries and subsequently he was admitted in the hospital.

3.The learned counsel for the petitioner would submit that the petitioner herein was arrayed as A2 and even according to the case of prosecution the first accused only attacked the deceased and in so far as the petitioner is concerned no specific overt act has been attributed against the petitioner even according to the case of prosecution. He further submitted that the investigation is also



completed and the respondent police has also filed the final report before the concerned Court and the same has been taken cognizance in PRC No.07 of 2020 on the file of the learned Judicial Magistrate, Thirupathur and pending committal, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally two accused in this case and the petitioner herein is arrayed as A2. The accused persons, as well the deceased and the defacto complainant went to the wine shop to consume liquor and after consuming liquor when they were coming out of the wine shop there was a quarrel between them and as such the accused persons attacked the deceased as well as the defacto complainant, due to which the deceased sustained grievous injuries on his head and died. The defacto complainant also sustained injuries and later discharged from the hospital. He further submitted that the investigation is also completed and the respondent police has also filed the final report before the concerned Court and the same has been taken cognizance in PRC No.07 of 2020 on the file of the learned Judicial Magistrate, Thirupathur and pending committal.

5. It is seen that that there are totally two accused in this case and the petitioner herein is arrayed as A2. Due to wordy quarrel between the accused and the deceased in the wine shop they attacked each other and due to which the deceased sustained grievous injuries on his head and died. The first accused, deceased and another injured were taken to hospital and the deceased was declared dead. Investigation is also completed and the respondent police has also filed the final report before the concerned Court and the same has been taken cognizance in PRC No.07 of 2020 on the file of the learned Judicial Magistrate, Thirupathur and pending committal.

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, Thirupathur

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 stay at Trichy and report before the Ponmalai Police station daily at 10.30 a.m and 5.30 p.m for a period of four weeks and thereafter before the respondent police

https://easyservices.hc301.gov.in/hc301services/., 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/-
01/12/2020

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

COPY TO:

THE INSPECTOR OF POLICE,
PONMALAI POLICE STATION, TRICHY.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-7799[I] dated 01/12/2020)

ORDER IN
CRL OP(MD) No.13710 of 2020
Date : 01/12/2020

AAV

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