



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2020

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PRESENT

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

CRL OP(MD). No.13863 of 2020

Sundaramoorthy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
Crime No.476 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Ravi,
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.476 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 16.09.2020 for the offences punishable under Sections 294 (b), 302 and 506 (2) of I.P.C on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the husband and wife. On the date of occurrence, the defacto complainant asked money from her husband for family expenses. When the same was refused by him, the defacto complainant's brother questioned the same. Due to the said motive, the petitioner said to have quarrelled with the deceased and attacked him with aruval. Due to which, he sustained grievous injury and died. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that it is the use of blind murder and the petitioner is an innocent



4. The learned Government Advocate (Crl.Side) would submit that the petitioner and the defacto complainant are the husband and wife. On the date of occurrence, the defacto complainant asked money from her husband for family expenses. When the same was refused by him, the defacto complainant's brother questioned the same. Due to the said motive, the petitioner said to have quarrelled with the deceased and attacked him with aruval. Due to which, he sustained grievous injury and died.

6. It is seen that the petitioner is the sole accused. There was a dispute between the deceased and the defacto complainant's husband. Due to which, the petitioner is being close relative of the defacto complainant, he quarrelled with the deceased and attacked him with aruval. Thereby, he sustained injury and died.

8. 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.I, Srivilliputhur.

ii) the petitioner shall stay at Karur and report before the Inspector of Police, Karur Town Police Station, daily at Morning 10.30 a.m and Evening 5.30 p.m until further orders.

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. In K. S. Suresh 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/-
03/12/2020

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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.I,
SRIVILLIPUTHUR.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
- 4.THE INSPECTOR OF POLICE,
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR.

ORDER
IN
CRL OP(MD) No.13863 of 2020
Date :03/12/2020

DSS
TK/PN/SAR.4/03.12.2020/3P/7C