



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

Date : 04/12/2020

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PRESENT

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

CRL OP(MD). No.13994 of 2020

Soni @ Rajagopal

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
Crime No.905 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
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.905 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 03.09.2020 for the offences punishable under Sections 294(b) and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the deceased and the accused are own brothers. On 02.09.2020 when the deceased was under the influence of alcohol called his elder sister over phone and informed that the accused in order to frequently consume alcohol obtain loan everywhere and also had pledged the house property document for the same. Thereafter the same was questioned by the deceased who was being the brother of the deceased. Immediately the accused person attacked the deceased with iron rod, due to which he sustained injuries on his head and died.



3. The learned counsel for the petitioner would submit that there is no motive for the petitioner to murder the deceased since he was in a drunken mood and it was questioned by his own brother and as such he attacked him with iron rod and unfortunately he sustained grievous injuries on his head and died. He further submitted that the petitioner is in jail for more than 80 days, hence he may be granted bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is sole accused and the petitioner used to consume alcohol frequently by selling the household articles as well as pledging the original documents of the house property. Therefore the deceased being the brother of the petitioner herein questioned the same for which the petitioner attacked him with iron rod, due to which he sustained grievous injuries on his head and died. He would also submit that the investigation in this case is completed and the charge sheet has been filed before the concerned Court.

5. It is seen that the petitioner is a sole accused. He used to consume alcohol and on the date of occurrence he attacked the deceased with iron rod, as such he sustained grievous injuries on his head and died. It is also seen that the petitioner is a drunkard and he used to pledge all the household articles as well borrow loan from every one and when the same was questioned by the deceased the said occurrence has taken place. It is also stated that the investigation in this case is completed and the charge sheet has been filed before the concerned Court.

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, Thiruvaiyaru

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 Madurai and report before the Tallakulam Police Station daily at 10.30 a.m and 5.30 p.m., until further orders.

iii) the petitioner shall not tamper with evidence or witness.

<https://hcservices.courts.gov.in/hcservices/> 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/-
04/12/2020

/ 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, THIRUVAIYARU.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, PUDUKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI.

ORDER
IN
CRL OP(MD) No.13994 of 2020
Date :04/12/2020

AAV
TK/PN/SAR.4/04.12.2020/3P/7C