



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

Date : 14/12/2020

PRESENT

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

CRL OP(MD). No.14699 of 2020

M.Alagendran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sethur Rural Police Station
Virudhunagar District.
Crime No.284/2020.

... Respondent/Complainant

For Petitioner : M/s.Aarumugam.M,
Advocate.

For Respondent : Ms.Ananthadevi,
Government Advocate (Crl.Side)

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

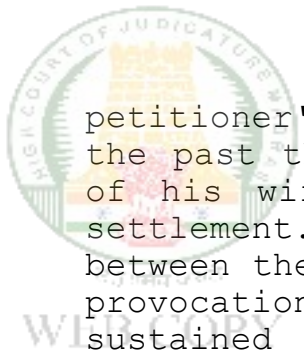
PRAYER :- For Bail in Crime No. 284/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections 341 and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused is a retired soldier and he got married with the defacto complainant. Due to misunderstanding between them she was living separately with the deceased. While being so the accused thought that the deceased is the reason for his separation . Hence on 15.10.2020 when the deceased was in his house the petitioner quarrelled with him and attacked him with wooden log, due to which he sustained injuries and taken to hospital, where he was declared dead

3. The learned counsel for the petitioner would submit that the petitioner is working as a defence personnel and his wife is having illegal intimacy with one Kalaiarasan , due to which the petitioner got premature retirement and looking after his two children. The



petitioner's wife is living with said kalaiarasan in Coimbatore for the past three years. Thereafter he approached the family members of his wife on several occasions and they assured for amicable settlement. While being so on 15.10.2020 there was a wordy quarrel between the petitioner and the deceased and thereafter due to sudden provocation the petitioner pushed the deceased down, as such he sustained grievous injuries and died and the petitioner has no motive to murder the deceased. He further submitted that the petitioner was arrested and remanded to judicial custody on 15.10.2020. He would also submit that respondent police completed investigation and the final report has been filed before the learned Judicial Magistrate, Rajapalayam and the same has been taken cognizance in PRC No. 35 of 2020 and pending committal.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is a sole accused. The petitioner and his wife got separated due to some family dispute. On 15.10.2020 the petitioner attacked his brother-in-law/deceased with wooden log, due to which he sustained injuries and immediately he was taken to hospital and died. She would also submit that the respondent police completed investigation and the final report has been filed before the learned Judicial Magistrate, Rajapalayam and the same has been taken cognizance in PRC No. 35 of 2020 and pending committal

5. It is seen that the petitioner is a sole accused. The petitioner and his wife got separated due to some family dispute. On 15.10.2020 the petitioner attacked his brother-in-law/deceased with wooden log, due to which he sustained injuries and immediately he was taken to hospital and died. It is also stated that the respondent police completed investigation and filed final report before the learned Judicial Magistrate, Rajapalayam and the same has been taken cognizance in PRC No. 35 of 2020 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, Rajapalayam

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/-

14/12/2020

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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, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
DINDIGUL DISTRICT.
4. THE INSPECTOR OF POLICE,
SETHUR RURAL POLICE STATION
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14699 of 2020

Date :14/12/2020

MS/PN/SAR-3/14.12.2020/3P.6C

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