



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

Date : 18/12/2020

PRESENT

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

CRL OP(MD). No.15216 of 2020

Ramasamy @ Chinna Ramasamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.
Crime No.297/2020.

... Respondent/Complainant

For Petitioner : Mr.P.Saravanakumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 297/2020 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 28.07.2020 for the offences punishable under Sections 307 @ 302,308,304(2) of IPC on the file of the respondent police seeks bail.

2. The case of the prosecution is that there was a dispute between the deceased and one Ramar and on the date of occurrence the deceased advised him. While being so, after consuming alcohol the petitioner herein attacked the deceased with iron rod on 27.07.2020, due to which he sustained injuries, admitted in the hospital and he succumbed to injuries on 10.08.2020. Initially the case was registered under Section 307 of IPC and later it has been @ sections 302,308,304(2) of IPC.

3. The learned counsel for the petitioner would submit that the petitioner and the deceased are close relatives and due to wordy quarrel between them in respect of previous enmity the petitioner attacked him with iron rod, thereby he sustained injuries in his



head. He further submitted that immediately he was taken to hospital, where he has stated that one known person had attacked the deceased. He further submitted that the petitioner was arrested on 28.07.2020 and he is still in custody, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) submitted that the petitioner is having eight previous cases of similar nature and in two cases he was convicted. When the deceased went to pacify the issue between him and one Ramar the petitioner attacked the deceased with iron rod on his head. Therefore he sustained injuries and subsequently died on 10.08.2020. She would also submit that this is the third bail petition and the earlier two petitions were dismissed by this Court on 14.10.2020 and 02.11.2020. She would further submit that the respondent police now completed investigation and the final report has been filed before the Judicial Magistrate No.II, Sattur and the same has been taken cognizance in PRC No.12 of 2020.

5. It is seen that the petitioner is a sole accused. Though the petitioner and the deceased are close relatives when the deceased went to pacify the issue him and one Ramar the petitioner had attacked with iron rod and he sustained injuries on his head. Immediately he was taken to hospital and there on 10.08.2020 he succumbed to injuries. Now the respondent police now completed investigation and the final report has been filed before the Judicial Magistrate No.II, Sattur and the same has been taken cognizance in PRC No.12 of 2020

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 Sattur

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 Dharapuram report before the Inspector of Police, Dharapuram Police Station daily at 10.30 a.m and 5.30 p.m., for a period of four weeks except the hearing days before the learned Judicial Magistrate No.II, Sattur and thereafter before the respondent police daily at 10.30 a.m., 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/-
18/12/2020

/ 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 No.II, SATTUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION, DHARAPURAM.

ORDER IN
CRL OP(MD) No.15216 of 2020
Date : 18/12/2020

AAV
TK/PN/SAR.3/18.12.2020/3P/7C

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