



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

Date : 30/12/2020

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16018 of 2020

Ramesh

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
(Crime No.1324 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For a Bail in Crime No.1324 of 2020 on the file of the
respondent police.

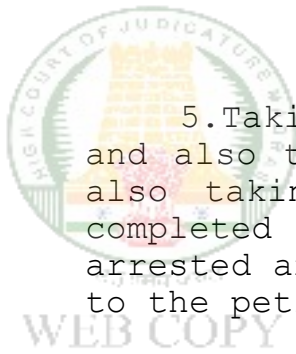
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial
custody on 12.10.2020 for the offences punishable under Sections
294(b), 323,307 of IPC @ 294(b), 323,307 and 302 of IPC on the file
of the respondent police seeks bail.

2.The case of the prosecution is that due to family dispute
between the deceased/father and the petitioner and his brothers on
11.10.2020 at about 15.30 hrs all the accused persons attacked the
deceased with wooden log, due to which he succumbed to injuries.

3.The learned counsel for the petitioner would submit that due
to previous enmity the petitioner has been falsely implicated in
this case. He would also submit that A2 and A3 in this case were
arrested and released on bail.

4. The learned Government Advocate(Crl.Side) would submit that
there are totally three accused in this case and the petitioner
is named as A1. Investigation is almost completed.



5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the investigation is almost completed and the co-accused in this case namely A2 and A3 were arrested and released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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, Thuraiyur

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 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/-
30/12/2020

/ 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,

<https://hcservices.mca.gov.in/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16018 of 2020
Date :30/12/2020

aav/sji
JM/PN/SAR III/30.12.2020/3P/6C