



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

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.293 of 2021

1.Selvam
2.Ganesan
3.Gunaseelan

... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
T.Kallupatti Police Station.
Crime No.2153/2020

... Respondent/Complainant

For Petitioner : Mr.M.Gurudas,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail Crime No.2153 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 01.12.2020 for the offences punishable under Sections 174 of Cr.P.C @ 304(ii) of IPC, on the file of the respondent police seek bail.

2.The petitioners and the deceased are relatives and on the date of occurrence while the petitioners and the deceased were consuming alcohol, at that time there was a wordy altercation, in which, both of them attacked each other and when the deceased was taken to hospital, he was declared dead.

3.The learned counsel for the petitioners would submit that the case was registered as suspicious death and has been converted into murder case filed by the respondent police against the petitioners and they were not present in the occurrence place and actually, the deceased consumed liquor and in the process, the incident took place. He would further submit that the petitioners are in custody for the past 70 days.



4.The learned Government Advocate(Crl.Side) appearing for the respondent seeks time for getting instructions.

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 substantial portion of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paraiyoor, Madurai District.

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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

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

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
21/01/2021

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/ /2021
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,
PERAIYOOR, MADURAI DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4. THE INSPECTOR OF POLICE,
T. KALLUPATTI POLICE STATION.

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

ORDER

IN

CRL OP(MD) No.293 of 2021

Date : 21/01/2021

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