



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

Date : 21/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.169 of 2021

S.Natarajan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Crime No.1545/2020

... Respondent/Complainant

For Petitioner : Mr.N.Mohideen Basha, Advocate.
For Intervenor : Mr.D.Venkatesh, 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.1545/2020 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 16.11.2020 for the offences punishable under Sections 294(b), 307 of IPC and Section 27(1) of Arms Act @ Sections 294(b), 307,302 of IPC and Section 27(1) of Arms Act, 1959 on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to civil dispute on 16.11.2020 when the defacto complainant was doing construction work with the relatives, the petitioner herein went there and abused defacto complainant and start fire with the country made gum , in which one person died and another person sustained injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is aged about 80 years and he is a cancer patient and under medication. He fell down in the prison and he was taking treatment in the jail hospital. He further submitted that on 16.11.2020 the petitioner surrendered before the respondent police



with weapons/gun. He further submitted that earlier enquiry was conducted by the respondent police. He further submitted that the petitioner is jail for more than 55 days. He further submitted that the petitioner as well as the defacto complainant both are claiming right over the property based on the power of attorney given by the officials officer bearers of the Trust. As regards the defacto complainant the President of the Trust has given Power of Attorney and now the said President was removed and as such the power of attorney based on which the defacto complainant is claiming right does not exist. Civil suits are pending between the petitioner and the trust as well as the petitioner and the defacto complainant. Considering the age and ill-health of the petitioner, he seeks bail.

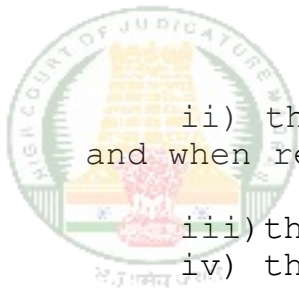
4. The learned counsel for the intervenor/defacto complainant that prior to the occurrence the petitioner appeared before the respondent police in connection with the enquiry in CSR and had given an undertaking that he will not interfere with the construction in the disputed property. He would also submit that on the date of occurrence the petitioner picked up quarrel and using his gun he shot against the deceased. In the said occurrence, one person succumbed to injuries and the other person sustained injuries and later discharged from the hospital. Several Civil suits are pending between the petitioner and the trust as well as the petitioner and the defacto complainant.

5. The learned Government Advocate(Crl.Side) would submit that on the date of occurrence the petitioner picked up quarrel with other persons and using his pistol he shot at the deceased, in which yet another person sustained injuries. Thereafter the petitioner surrendered before the police and also handed over his unlicensed gun. He would also submit that several Civil suits are pending between the petitioner and the trust as well as the petitioner and the defacto complainant and the injured person in the said occurrence discharged from the hospital.

6. 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 one of the injured got discharged from the hospital, 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 sureties(out of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Palani.

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



ii) the petitioner shall report before the respondent police as and when required for interrogation

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.

vii) the petitioner shall file an undertaking that he will not visit the place of the defacto complainant or the subject property where the construction work is going on.

sd/-

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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, PALANI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION, DINDIGUL DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.169 of 2021

Date : 21/01/2021

AAV

TK/VR/SAR.3/21.01.2021/3P/6C