



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

Date : 19/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.212 of 2021

Senthilkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
Crime No.845 of 2020

... Respondent/Complainant

For Petitioner : Mr.A.Arul Jenifer,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

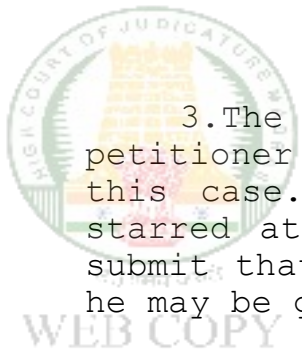
PRAYER :-

For bail in Crime No. 845/2020 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 19.11.2020 for the offence punishable under Section 302 of IPC on the file of the respondent police seeks bail.

2.The defacto complainant in this case is the daughter of the deceased. The case of the prosecution is that on 15.11.2020 the defacto complainant went to meet her father and the deceased over phone has informed the defacto complainant that he was on the way to home from his agricultural field and when he r reached the home, he informed that one Senthil Kumar the petitioner herein starred at him and therefore he slapped him with his slipper. On the next day over phone the deceased informed the defacto complainant that he suffered pain in this stomach. Hence on 16.11.2020 at about 06.00 pm., the defacto complainant was informed over phone that her father died. The defacto complainant suspecting the petitioner that due to the attack made by him her father would have died gave a complaint before the respondent police.



3.The learned counsel for the petitioner would submit that the petitioner herein is innocent and he has been falsely implicated in this case. He would also submit that the petitioner herein only starred at the deceased and he never attacked him. He would also submit that the petitioner is in jail for more than 50 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein attacked the father of the deceased in his stomach, due to which he sustained injuries and died. He would also submit that 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, 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 sureties(out of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri, Trichirapalli.

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/-
19/01/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHIRAPALLI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KATTUPUTHUR 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.212 of 2021
Date :19/01/2021

AAV
TK/PN/SAR.2/19.01.2021/3P/6C