



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

Date : 11/01/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.287 of 2021

1. Muthupandi
2. Vijayapandi

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Nalattinpathur Police Station,
Thoothukudi District.
(Crime No.436/2020)

... Respondent/Complainant

For Petitioners : Mr.M.Prabu, Advocate.
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.436/2020 on the file of the respondent police.

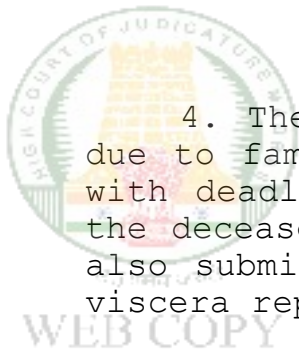
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 15.11.2020 for the offence punishable under Section 302 of IPC on the file of the respondent police seek bail.

2.The case of the prosecution is that due to family dispute the deceased and his wife were living separately, that on 14.11.2020 at the request of the mother of the deceased they came to Alzhagapuram for celebrating Diwali, that the deceased in a drunken condition had quarreled with his brother and father the petitioners herein and there arose a clash between them and that the deceased had sustained injuries and died on the spot. Hence the complaint.

3.The learned counsel for the petitioners would submit that that due to family dispute the petitioners have been falsely implicated in this case. He would also submit that there is no motive for the petitioners to murder the deceased and due to sudden provocation the occurrence said to have taken place. He would also submit that the petitioners are in jail for the past 52 days and hence he seeks bail.

<https://hlservices.ecourts.gov.in/hlservices/>



4. The learned Government Advocate(Crl.Side) would submit that due to family dispute the petitioners herein attacked the deceased with deadly weapons and due to the attack made by the petitioners the deceased sustained injuries and succumbed to injuries. He would also submit that investigation is almost completed and waiting for viscera report.

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 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 No.I, Kovilpatti

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 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/-
11/01/2021

/ 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 NO.I, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NALATTINPUTHUR POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.287 of 2021
Date :11/01/2021

AAV
MS/VR/SAR-2/11.01.2021/3P.6C