



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2016 of 2021

1. Prakash
2. Prabhakaran

... Petitioners/Accused No.1 & 2

Vs

The Inspector of Police,
Thathayangarpet Police Station,
Thathayangarpet, Trichy District,
Crime. No. 14/2021..

... Respondent/Complainant

For Petitioners : M/s.Arunraj.K,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

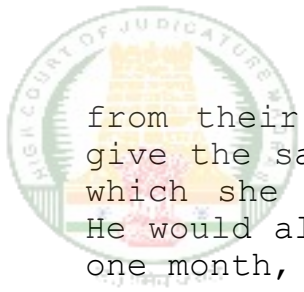
For Bail in Cr.No. 14 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 07.01.2021 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 on 06.01.2021 the petitioners herein attacked the deceased with stick and caused her death. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2. He would also submit that the deceased is the mother of the petitioners. He would also submit that on the date of occurrence the petitioners demanded money



from their mother for purchase of trailer and when she refused to give the same, the petitioners herein attacked her with stick, due to which she was admitted in the Government Hospital and later died. He would also submit that the petitioners were in jail for more than one month, hence they may be granted bail.

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4. The learned Additional Public Prosecutor would submit that there are two accused in this case and the petitioners herein are arrayed as A1 and A2 who are none other the sons of the deceased. He would also submit that when the deceased refused to give money to purchase trailer the petitioners herein attacked her with stick and caused her death. Hence he strongly opposed to grant bail to the petitioners.

5. It is seen that the petitioners herein are the son of the deceased as well as the defacto complainant. The deceased is none other than the mother of the petitioners. The petitioners were insisting their parents to pay money for buying trailer when it was refused there was a wordy quarrel, in which the first petitioner is said to have attacked the deceased with stick on her head and the second petitioner was along with him.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. 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 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 petitioners shall report before the respondent police daily at 10.30 am., 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.

vii) the first petitioner shall reside elsewhere and both the petitioners not enter into the house of the defacto complainant till the completion of trial

sd/-
08/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
THURAIYUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
THATHAYANGARPET POLICE STATION,
THATHAYANGARPET, TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2016 of 2021
Date :08/03/2021

NR/PN/SAR-I (08.03.2021) 3P:6C