



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/02/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2122 of 2021

M.Madasamy Mathan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Rajapalayam South,
Virudhunagar District.
Crime No.717 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Balaji, Advocate.
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

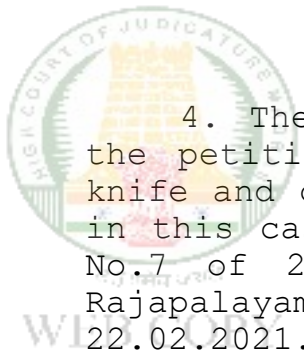
PRAYER :- For Bail in Crime No.717 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 02.12.2020 for the offences punishable under Sections 302 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the mother of the petitioner was living separately along with her children and the deceased Ramar used to frequently visit the house of the petitioner and speak with his mother, but the petitioner condemned the attitude of the deceased on several occasions, even after the same, the deceased continued the same. On the date of occurrence when the deceased was sitting in the front of his house, the petitioner went there and indiscriminately attacked him with knife and caused his death. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and due to sudden provocation the occurrence said to have taken place without any previous motive. He would also submit that the petitioner is in jail for more than 70 days, hence he may be granted bail.



4. The learned Additional Public Prosecutor would submit that the petitioner herein attacked the deceased indiscriminately with knife and caused death. He would also submit that the investigation in this case is completed and the case is pending committal in PRC No.7 of 2021 on the file of the learned Judicial Magistrate, Rajapalayam and the case stands posted for next hearing on 22.02.2021.

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 occurrence is said to have taken place out of sudden provocation and also the fact that the investigation in this case is completed and the case is pending committal in PRC No.7 of 2021 on the file of the learned Judicial Magistrate, Rajapalayam, 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam.

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 for a period of two weeks and thereafter 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.

sd/-
11/02/2021

/ 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, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.A.BALAJI, Advocate (SR-920[I] dated 11/02/2021)

ORDER

IN

CRL OP(MD) No.2122 of 2021

Date :11/02/2021

AAV

MS/VR/SAR-3/11.02.2021/3P.7C