



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2389 of 2021

S.Saravanaperumal

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Pudur Police Station,
Thoothukudi District.
(Crime No.108/2020).

... Respondent/Complainant

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

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

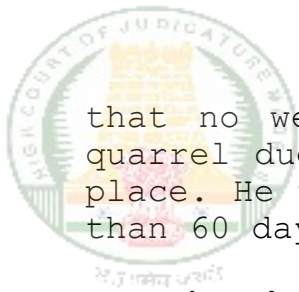
PRAYER :- For Bail in Crime No.108/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 15.12.2020 for the offences punishable under Sections 294(b) and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 14.12.2020 at about 2.15 pm., there was a wordy quarrel between the petitioner and the deceased and at that time the the deceased had damaged the head light of the petitioner's vehicle with stick, immediately the petitioner herein picked the stick from the deceased and brutally attacked him, due to which the deceased sustained injuries and he fell down. Immediately he was taken to Pudur Primary Health Care Centre and thereafter referred to Aruppukottai Government Hospital and then referred to Madurai Rajaji Government Hospital, where he succumbed to injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that both the petitioner and the deceased are close relatives and there is no motive to the petitioner to commit the murder. He would also submit



that no weapon was used by him to commit the murder, during the quarrel due to sudden provocation the occurrence said to have taken place. He would also submit that the petitioner is in jail for more than 60 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant is the wife of the deceased. On 14.12.2020 her husband and the petitioner herein went to search for work at that time there was a wordy quarrel in which the petitioner said to have damaged the head light of the petitioner's vehicle, immediately the accused picked up the stick and brutally assaulted the deceased, in which he sustained injuries and fell down. Immediately he was taken to Pudur Primary Health Care Centre and thereafter referred to Aruppukottai Government Hospital and then referred to Madurai Rajaji Government Hospital, where he succumbed to injuries, hence he opposed to grant bail to the petitioner.

5. The occurrence is said to have taken place due to sudden provocation. The defacto complainant is the wife of the deceased. Admittedly the petitioner and the deceased were together right from the morning, went in search for job. Thereafter they had come back and there was some wordy quarrel between them, in which the deceased picked up a stick from nearby and damaged the head light of the two wheeler, got infuriated the petitioner picked the stick from the deceased and assaulted him in which the deceased had fell down. Immediately he was taken to Pudur Primary Health Care Centre and thereafter referred to Aruppukottai Government Hospital and then referred to Madurai Rajaji Hospital, where he succumbed to injuries. While the defacto complainant was in Aruppukottai Government Hospital the respondent police had gone there and sought for complaint, but she requested them not to register the case. Now only after the death of the deceased the case has been registered.

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 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Vilathikulam, Thoothukudi District

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 <https://hcservices.govtamilnadu.gov.in/hc30/vices/> 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/-

16/02/2021

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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,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
PUDUR POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.M.PRABU, Advocate (SR-1062[I] dated 16/02/2021)

ORDER IN

CRL OP(MD) No.2389 of 2021

Date : 16/02/2021

AAV

<https://hdcvcs.ecourts.gov.in/hdcvcs/MS/VS/9A/2021/3P.7C>