



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

Date : 23/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2439 of 2021

Durai Pandi

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Crime No.23 of 2021

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanaban, Advocate
for M/s.APN Law Associates, Advocate.

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

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

PRAYER :-

Bail in Cr.No. 23 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 22.01.2021 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC @ 294(b), 302 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that there was a previous enmity between the petitioner and the deceased relating to some immovable property, due to which, on the date of occurrence when the accused was planting saplings in the disputed property the deceased objected the same due to which there was a wordy quarrel, in which the petitioner said to have assaulted the deceased, due to which he sustained injuries and taken to Government Hospital, Madurai. The deceased was given treatment in the hospital for four days and thereafter he died and subsequently the case was altered. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit there was a quarrel between the petitioner and the deceased and in the said scuffle there was a melee and the deceased was pushed down by his won men in the coconut tree who ran away from the scene of occurrence. He would further submit that in the said quarrel no weapon has been used.

4. The learned Government Advocate(Crl.Side) would submit that due to some civil dispute over agricultural land the petitioner herein said to have attacked the deceased and caused his death.

5.It is seen that the petitioner and the deceased are having some civil dispute over the property and on the date of occurrence when the petitioner was planting saplings it was objected by the deceased and there was a wordy quarrel, in which the petitioner said to have attacked the deceased with wooden log on his head. It is also seen that no weapon has been used in the said occurrence and the occurrence is said to have taken place in a pre-meditation manner.

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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manaparai

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/-
23/02/2021

/ TRUE COPY /

WEB 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.

TO

- 1.THE JUDICIAL MAGISTRATE,
MANAPPARAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VAIYAMPATTI 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.2439 of 2021
Date :23/02/2021

AAV
TK/PN/SAR.3/23.02.2021/3P/6C