



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

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4454 of 2021

M.Velladurai

... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No.13 of 2021

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
Advocate.

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

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

PRAYER :-

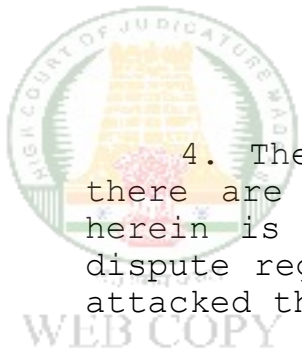
For Bail in Crime No.13 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 18.01.2021 for the offences punishable under Sections 294(b), 323,307, 506(ii) of IPC and Section 4 of TNPHW Act @ 294(b), 323, 307, 506(ii), 302 of IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to some dispute regarding fetching of water the petitioner along with other accused attacked the deceased, defacto complainant her brother and one sister. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is only aggressor in the occurrence and a counter case in Crime No. 12 of 2021 has also been registered. He would also submit that the petitioner herein only attacked the victim with hands and no weapons were used. He would also submit that the petitioner is in jail from 18.01.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor would submit that there are totally three accused in this case and the petitioner herein is arrayed as A3. He would also submit that due to some dispute regarding taking water in a common tap the accused persons attacked the deceased and caused his death.

5. It is seen that the petitioner was working along with A1 in the lorry shed. There was some dispute between the A1 family and the defacto complainant family who are close relatives living in the same street and they have a common water source. On 14.01.2021 due to some dispute the defacto complainant's father, brother and own sister had picked up quarrel with A1 and A2 and there was a scuffle in which A1 has attacked the petitioner who gone there along with A1 and A2. A1 in this case was arrested on 17.01.2020. A2 surrendered before the Village Administrative Officer and this petitioner surrendered before the learned Judicial Magistrate, Sengottai on 18.01.2021. In this case no weapon has been used. Further prior to the occurrence there was a wordy quarrel, exchange of blows followed by attack and hence the present occurrence said to have taken place. It is a case in counter and the counter case has been registered in Crime No. 12 of 2021 for the offences under Sections 294(b), 323 and 506(i) of IPC

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 No.III, Tirunelveli.

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 were breached 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.

WEB COPY

sd/-
23/03/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE No.III,
TIRUNELVELI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4454 of 2021
Date :23/03/2021

AAV
TK/VR/SAR.4/23.03.2021/3P/6C