



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

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4787 of 2021

Rajesh

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
Crime No.85 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Mohan,
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.85 of 2021 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 01.03.2021 for the offences punishable under Sections 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 on 26.02.2021 at about 10.00 pm., the deceased came in a drunken mood and quarreled with the defacto complainant, assaulted her with stick and the defacto complainant ran into the house of the deceased, due to which the accused abused the deceased with filthy language and attacked with big stone and caused death to the deceased. 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 the petitioner. He would also submit that there is motive to commit the murder and due to sudden provocation the occurrence said to have taken place, hence he seeks bail.



4. The learned Additional Public Prosecutor would submit that petitioner is the brother of the deceased and due to the attack made by the petitioner the deceased died and the investigation is in progress, hence he opposed to grant bail to the petitioner.

5. It is seen that the petitioner and the deceased are blood brother and the deceased is a drunkard and he often used to pick up quarrel. On the date of occurrence the deceased attacked wife and on seeing the same, the petitioner being brother had intervened and questioned the deceased, due to which there was a wordy quarrel and scuffle and finally the deceased had fell down, sustained injuries and later died.

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, Ambasamuthiram.

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/-
29/03/2021

/ 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, AMBASAMUTHIRAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION, TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4787 of 2021

Date : 29/03/2021

AAV

MS/PN/SAR-1/29.03.2021/3P.6C