



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

Date : 25/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8307 of 2021

Maruthupandi

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
Crime No.195/2021.

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

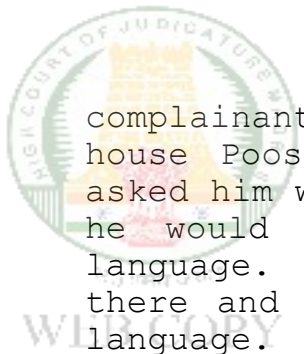
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 195 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 11.04.2021 for the offences punishable under Sections 294(b), 324,302 and 506(ii) of IPC in Crime No.195 of 2021 on the file of the respondent police, seeks bail.

2. The defacto complainant and the petitioner are pangalis and they have land adjacent to each other lands. The defacto complainant's uncle has three sons namely Maruthupandi, Ajithkumar and Veeravel. Two months prior to the incident his junior uncle Poosamani took the tractor of the defacto complainant's father and pledged it. Thereafter he did not take any steps to pay money and get back the tractor. They were using the water from the common well on turn. On 10.04.2021 it was the defacto complainant's turn to draw water and therefore the defacto complainant's father went to his land for watering the plants. They were informed by the opposite party that they did not water their plants yesterday and therefore they would water their plants. As a result there ensued wordy quarrel and about 10.30 a.m., on the same day when the defacto



complainant and his family members were talking in front of their house Poosamani came there and the defacto complainant's father asked him when he would get back the tractor. Poosmani told him that he would not get back the tractor and scolded him in filthy language. At that time Maruthupandi, Ajithkumar, Veeravel came there and scolded the father of the defacto complainant in filthy language. When the defacto complainant's uncle Rengasamy came there, Poosami bite him. When his son tried to catch them, Ajith and Veeravel attacked him with wooden log. When the defacto complainant and his parents tried to prevent the attack Maruthupandi stabbed the defacto complainant's mother on his left chest and as a result of stab injuries, the mother of the defacto complainant died, therefore the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 to A4 were granted bail by this Court on 22.06.2021 in Crl.O.P(MD) No.7961 of 2021. He would further submit that the petitioner is in judicial custody from 11.04.2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed the bail petition on the ground that the petitioner is one of the accused who caused fatal injuries on the deceased and the investigation is not yet completed.

5. It is seen that due to some dispute in watering plants in a sudden fight the petitioner said to have stabbed the deceased with knife.

6. Taking note of the fact and circumstances of the case and also the fact that co- accused in this case were granted bail by this Court and the fact that the petitioner is in judicial custody from 11.04.2021, this Court is inclined to grant bail to the petitioner

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.V, Trichy and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not abscond either during investigation



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

25/06/2021

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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 NO.V, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
SOMARASAMPETTAI POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8307 of 2021

Date :25/06/2021

AAV

MS/PN/SAR-4/25.06.2021/3P.6C