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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8814 of 2021

Arumuga Perumal @ Karthick ... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No. 145 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Narayanakumar K.P.,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.145 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 13.05.2021 for the offences punishable under Sections 294(b) and 302 of IPC in Crime No.145 of 2021 on the file of the respondent police, seeks bail.

2. The deceased Ganesan is the husband of the defacto complainant Ayyammal. The case of the prosecution is that there is a dispute with regard to the division of the property between deceased Ganesan and the grand father of the defacto complainant. The deceased used to pick up quarrel with grand father of the defacto complainant quite often. On 12.05.2021 at about 10.30 hrs the deceased under the influence of alcohol started abusing the grand father of the defacto complainant near Avarampatti Perumal Kovil Street were he was residing. On hearing this the defacto complainant along his father including Rengasamy, Ramar, Muthupandi had gone there and tried to pacify her husband. At that time

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Karthick @ Arumuga Perumal scolded her husband in filthy language. During fight the petitioner pushed the deceased down. The deceased fell flat on his face and suffered injuries on his fore head. The injured was taken to hospital there it was informed that he was already dead. Hence the complaint 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. Even assuming the case of the prosecution is true there is no intention to murder the deceased. The incident had happened in a sudden fight. He would further submit that the petitioner is in judicial custody from 13.05.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. As indicated above the facts of the case shows that the there was fight in connection with the property and in the fight the petitioner said to have pushed the deceased. The deceased fell flat on his face and suffered injuries. *Prima facie* it appears that the incident had happened in a sudden fight.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 13.05.2021, 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, Rajapalayam 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 or trial.

[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

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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/-
06/07/2021

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/ /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, RAJAPALAYAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE SUPERINTENDENT,
   CENTRAL JAIL, MADURAI.

4. THE INSPECTOR OF POLICE,
   RAJAPALAYAM NORTH POLICE STATION,
   VIRUDHUNAGAR DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
   MADURAI BENCH OF MADRAS HIGH COURT,
   MADURAI.

ORDER
IN
CRL OP(MD) No.8814 of 2021
Date :06/07/2021

AAV
TE/PN/SAR-IV : 06/07/2021 : 3P/6C

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