



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

Date : 12/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9155 of 2021

Kathirvel

... Petitioner/Sole Accused

Vs

The State by
The Inspector of Police,
Ayakudi Police Station,
Dindigul District.
Crime No.211 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
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.211 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 24.05.2021 for the offences punishable under Sections 294(b), 302 and 506(i) of IPC in Crime No.211 of 2021 on the file of the respondent police, seeks bail.

2. The deceased and the petitioner are cousin brothers. The case of the prosecution is that there was some dispute between the petitioner and the deceased with regard to the drainage channel. On 24.05.2021 at about 07.15 a.m., when the petitioner was standing outside her house the deceased asked why they did not remove the stone from the drainage. Then there ensued a scuffle. The petitioner by placing his hand on the neck of the deceased pushed him down. As a result the deceased fell flat and suffered injuries and later he was dead. 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 as accused and it was just fist fight, in which the deceased fell down and died. He would further submit that the petitioner is in judicial custody from 24.05.2021, 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. It is seen from the facts of the case that in a fist fight the deceased was pushed down by the petitioner, as a result he fell down, suffered injuries and later succumbed.

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 24.05.2021, 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, Palani 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 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/-
12/07/2021

/ 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, PALANI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3.THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
- 4.THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9155 of 2021
Date :12/07/2021

AAV
AE/VR/SAR-III/12.07.2021/3P/6C