



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

Date : 14/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9014 of 2021

Balamurugesan

... Petitioner/Accused No.1

Vs

State through,
The Sub Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
Crime No. 107 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Prabhu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

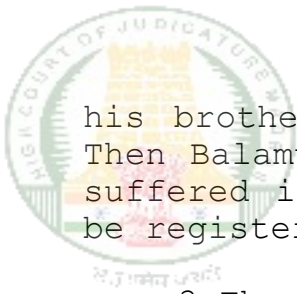
PRAYER :-

For Bail in Crime No.107 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 15.05.2021 for the offences punishable under Sections 341, 294(b), 302 and 506(ii) of IPC in Crime No.107 of 2021 on the file of the respondent police, seeks bail.

2. The deceased Ganesan is the brother of the defacto complainant. The case of the prosecution is that there is a dispute between the family of the defacto complainant and one Balamurugesan in connection with the site on the eastern side of the defacto complainant's house. A suit in O.S.No. 41 of 2021 is pending on the file of the District Munsif Court, Sankarankovil. Balamuregasan has enmity towards his brother Ganesan. On 14.05.2021 at about 4.00 a.m., when his brother was coming in a two wheeler bearing Reg. No. TN 79 E 2463 near Alagauthavar rice mill, Balamurugesan had come in a water tanker bearing Reg. No. TN 51 D 5522 and dashed against



his brother's two wheeler. As a result, his brother fell down . Then Balamurugesan attacked his brother with aruval, as a result he suffered injuries and later succumbed. 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 the petitioner is in judicial custody from 15.05.2021, 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. His further submission is that now only one accused is in this case and A2 to A4 were dropped from this case.

5. The narration of the fact shows that due to property dispute there was a previous enmity between the family of the defacto complainant and the first accused. As a sequel to the previous enmity Balamurugesan said to have hit the two wheeler of the deceased with water tanker and attacked him with aruval in his neck.

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 15.05.2021, 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, Sankarankovil 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 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]**.

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

WEB COPY

sd/-
14/07/2021

/ 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, SANKARANKOVIL.
 - 2.DDO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI
 - 4.THE SUB INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION,
TENKASI DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.K.PRABHU, Advocate SR.No.4549

ORDER
IN
CRL OP(MD) No.9014 of 2021
Date :14/07/2021

AAV
PK/AKM/SAR-V/14.07.2021 : 3P/7C