



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

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9135 of 2021

Iyyappan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Srirangam Police Station,
Trichy City
Crime No.473/2021.

... Respondent/Complainant

For Petitioner : Mr.T.J.Ebenezer Charles,
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. 473 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 28.05.2021 for the offence punishable under Section 302 of IPC in Crime No.473 of 2021 on the file of the respondent police, seeks bail.

2. The deceased Duraisamy is the brother of the defacto complainant. The case of the prosecution is that the deceased is an ill person. Five years back he was married to one Kalavathi and after three months of marriage she left him. Duraisamy used to defecate inside the house. He also used to gather beedi from road and keep it in the house. The accused who is the brother of the deceased used to warn him for these acts. On 27.07.2021 at about 12.15 hrs the accused informed the defacto complainant over phone that Duraisamy was dead. He enquired the reason for his death. The accused informed that Duraisamy defecated in front of the house and he brought beedi from the road, therefore he hit him with bamboo stick on his head. As a result, he died later. 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 there is no intention for the petitioner to commit murder of the deceased. He would further submit that the petitioner is in judicial custody from 28.05.2021, 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. From the narration of the facts it appears that the deceased was mentally ill person. He used to defecate inside the house and bring beedi from the road side. He did that on 27.07.2021 and this petitioner had beaten him with bamboo stick on his head. He suffered injuries and later died. It appears that there is no pre meditation on the part of the petitioner to cause death of the deceased.

6.Taking note of the fact and circumstances of the case and also the fact that the material witnesses have been examined and the fact that the petitioner is in judicial custody from 26.05.2021, 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 District Munsif cum Judicial Magistrate, Srirangam 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/-
09/07/2021

WEB COPY

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM, TRICHY DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 4.THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION, TRICHY CITY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9135 of 2021
Date :09/07/2021

AAV
PK/JC/SAR-II/09.07.2021 : 3P/6C