



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/07/2021

WEB COPY

PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

**CRL OP(MD) . No.9510 of 2021**

M.Krishnamoorthy

... Petitioner/Accused No.3

Vs

The State Rep. By,  
The Inspector of Police,  
Kattuputhur Police Station,  
Trichy District.  
(Crime No. 76/2021).

... Respondent/Complainant

For Petitioner : Mr.R.Mathialagan,  
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. 76 of 2021 on the file of Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 06.06.2021 for the offences punishable under Section 174(3) Cr.P.C., altered into Sections 323, 302 IPC in Crime No.76 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased is the grand father of the petitioner. The deceased was telling something ill about one Meena and when the same was questioned by the father of the petitioner, there was scuffle arose between the deceased and one Ramadurai. As a sequel, at about 11.00 pm., on 16.03.2021, the petitioner along with his friends came in two wheeler and the petitioner had beaten the deceased with hands and pushed him down with legs and other persons, who accompanied with the petitioner, had also beaten the deceased. As a consequence, the deceased suffered injuries and succumbed to death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this



case. He would further submit that the petitioner is in judicial custody from 06.06.2021 and hence, he seeks bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that the investigation in this case is not completed.

5.It is seen from the submissions that the deceased was attacked only with hands and legs by the accused persons and he is in custody from 06.06.2021. The substantial part of the investigation in this case is over. Further co-accused in this case was granted bail by this Court in Crl.O.P(MD) No.7412 of 2021 dated 08.06.2021. Taking into consideration all these factors, this Court is inclined to grant bail to the petitioner.

6.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, Musiri, Trichy District 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/-  
19/07/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,  
MUSIRI, TRICHY DISTRICT.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY.
- 3.THE INSPECTOR OF POLICE,  
KATTUPUTHUR POLICE STATION,  
TRICHY DISTRICT.
- 4.THE SUPERINTENDENT,  
CENTRAL JAIL, TRICHY
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.9510 of 2021  
Date :19/07/2021

AAV  
RT/JC/SAR-III/19.07.2021/3P/6C