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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10168 of 2021

Vannamuthu Kumaran @ Vannamuthu

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
Crime No. 218 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.S.HAROON RASHEED,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.218 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 02.07.2021 for the offences punishable under Sections 294(b), 302 altered into Sections 294(b), 302 and 201 of IPC in Crime No.218 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is arrayed as A3. This is yet another liquor tragedy, where, friends who were playing Cricket, attacked each other and consequently, the deceased succumbed to the injuries. The deceased, who was working in Chennai, came to his native place on 17.06.2021 to see his parents. On 01.07.2021, the deceased had taken liquor with his friends. After consuming the liquor, there was a wordy quarrel between them. A1 is said to have attacked the deceased with a cricket bat and consequent to that, the deceased succumbed to the injuries. Hence, the case.



3. The learned counsel for the petitioner submitted that this petitioner was not present in the place of occurrence and did not play along with the deceased and A1. The only overt act against the petitioner is that the petitioner, who was informed about the incident by A1, concealed the same to the parents of the deceased that the deceased was playing with A1 and he succumbed to the injuries caused by A1. Therefore, he prayed for grant of bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submitted that specific overt act is levelled against A1.

5. Considering the nature of allegation levelled against the petitioner, the period of incarceration and the fact that the specific overt act is levelled against A1, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Tiruchendur and on further conditions 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 a.m. 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/-

16/08/2021

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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,
TIRUCHENDUR.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4.THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER
IN**

CRL OP(MD) No.10168 of 2021
Date :16/08/2021

SA/VR/SAR.4/16.08.2021/3P/6C