



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.10232 of 2021

J.Kasirajan

... Petitioner/2nd Accused

Vs

The State Rep. by,
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
(Crime No. 418/2021).

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J,
Advocate.

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

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

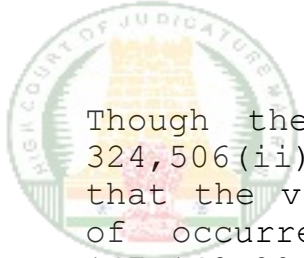
PRAYER :-

For Bail in Crime No. 418/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who were arrested on 18.05.2021 for the offences punishable under Sections 147,148,294(b),324,506(ii),302 of IPC and Section 4 of TNPHW Act in Crime No.418 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant and the accused are neighbors. On 18.05.2021 at about 5.00 pm., when the wife of the defacto complainant was cleaning the front portion of her house, the accused Jeyapalan scolded the wife of the defacto complainant in filthy language. The defacto complainant father asked Jeyapalan as to why he was unnecessarily abusing. The accused Kasirajan, Pandiyarajan, Selvarajan, Chinnarajan had started attacking his father with aruval. When the defacto complainant tried to intervene to save his father in the course of occurrence, he was also attacked by Jeyapalan and his son. He also suffered injuries.



Though the case was registered under Sections 147,148,294(b), 324,506(ii) of IPC and Section 4 of TNPHW Act, subsequently it seems that the victim Sivabalan died of injuries suffered in the course of occurrence. Hence the case has been altered to Sections 147,148,294(b),324,506(ii), 302 of IPC and Section 4 of TNPHW Act.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner along with other accused were also attacked by the defacto complainant and his family members for which a counter case has been registered in Crime NO.417 of 2021 for the offences under Sections 147,148,294(b), 324, 506(ii) of IPC and Section 4 of TNPHW Act. He would further submit that the petitioner is in custody from 18.05.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition on the ground that the investigation is not yet completed.

5. The narration of the facts shows that the petitioner and the victim were neighbors. Due to some dispute with regard to the cleaning of front portion of the house, there ensued a wordy quarrel, followed by violent attack against each other. The deceased said to have died of the injuries suffered by him. Counter case has also been registered.

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 18.05.2021, this Court is inclined to grant bail to the petitioner.

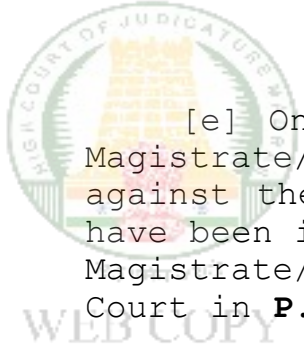
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional Mahila (Judicial Magistrate Level), Madurai and on further condition that:

[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 sedapatti Police station 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/-
30/07/2021

/ 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 ADDITIONAL MAHILA JUDGE,
(JUDICIAL MAGISTRATE LEVEL),
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/S.J.SENTHIL KUMARAI AH, Advocate (SR-4980[I] dated 30/07/2021)

ORDER
IN
CRL OP(MD) No.10232 of 2021
Date :30/07/2021