



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10735 of 2021

Thandapani

... Petitioner/Accused

Vs

The State Rep.by
The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
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.338 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was remanded to the Judicial Custody on 10.06.2021 for the offences punishable under Sections 294(b), 324 and 506(ii) IPC, altered into 294(b), 302 and 506(ii) of IPC in Crime No.338 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner and the deceased are relatives and neighbours. The case of the prosecution is that the petitioner was constructing a house near the house of the deceased. While constructing a building, debris of cement fell down on the house of the deceased, on account of which, there was a wordy quarrel between the petitioner and the deceased and having enraged over the same, the petitioner assaulted the deceased with an iron rod and caused injury on his head. The deceased, who was admitted in the hospital, died after 10 days. After the death of the deceased, the petitioner was remanded to judicial custody on 10.06.2021.

3. The learned counsel for the petitioner would submit that it is a case of self defence and in the said occurrence, the deceased also



caused injury on the petitioner, for which, the petitioner lodged a complaint against the deceased and his family members, which was registered in Cr.No.337 of 2021, under Sections 294(b), 324 and 506 (ii) IPC.

4. The learned Additional Public Prosecutor would submit that chemical analysis report is awaited.

5. Considering the fact that it is a case in counter and also considering the nature of allegations, stage of the investigation and the period of incarceration, 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, Periyakulam 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/-
05/08/2021

/ 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,
PERIYAKULAM.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, THENI.
- 4.THE SUB INSPECTOR OF POLICE,
THENKARAI POLICE STATION, THENI
DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10735 of 2021

Date : 05/08/2021

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05/08/2021
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