



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10601 of 2021

1. Ramasamy
2. Vinothkumar

... Petitioners/Accused Nos.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
(Crime No.106/2021)

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar,
Advocate.

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

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

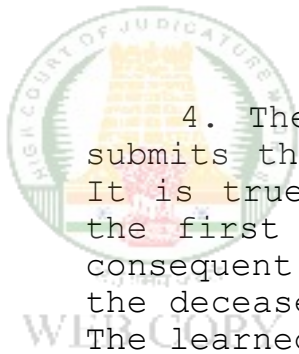
PRAYER :-For Bail in Crime No.106/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 16.06.2021 for the offences punishable under Sections 294(b), 336 and 302 of IPC in Crime No.106 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused are said to have entered into a wordy quarrel with their neighbours and also pelted stones on the deceased, out of which, the deceased died.

3. The learned counsel for the petitioner submits that the occurrence took place between the neighbours. The first accused is the father-in-law of the second accused and the deceased is the brother of the first accused. Due to a land dispute between the first accused and the deceased, there was a wordy quarrel and consequent to the wordy quarrel, the deceased suffered injuries and died. The petitioners and other accused have been arrested on 15.06.2021 and they are languishing in jail from 15.06.2021.



4. The learned Government Advocate(Crl.Side), on instructions, submits that there are no bad antecedents against the petitioners. It is true that there was a land dispute between the deceased and the first accused and there was a wordy quarrel between them and consequent to the wordy quarrel, the petitioners pelted stones on the deceased, due to which, the deceased suffered injuries and died. The learned Government Advocate (Crl. Side) further submits that the investigation is almost completed and 15 witnesses have been examined and the Investigating Agency is awaiting viscera report.

5. Considering the facts and circumstances of the case and the nature of allegations levelled against these petitioners and the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi, Ramanathapuram District 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 petitioners shall appear before the respondent police once in a week of every Monday at 10.30 am., for a period of six weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229-A IPC.

sd/-
04/08/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
KADALADI, RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10601 of 2021
Date :04/08/2021

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MK/JM/SAR.III/04.08.2021/3P/6C