



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11578 of 2021

Thiyagu

... Petitioner/sole accused

Vs

The State rep.by
The Inspector of Police,
Samayapuram Police Station,
Trichy District
Crime No.330 of 2021

... Respondent/Complainant

For Petitioner : Mr.T.LENIN KUMAR,
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.330 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 15.06.2021, for the offence punishable under Section 302 I.P.C, in Crime No.330 of 2021 on the file of the respondent police, seeks bail.

2. The complaint was lodged by one Thenmozhi stating that her sister Radha's husband namely Balakrishnan is her own maternal uncle and there was a pathway dispute between the petitioner and the said Balakrishnan. On 14.06.2021 at about 6.00 P.M., there was a quarrel between the petitioner and the Balakrishnan's son Subash Chandrabose, however, the issue was pacified by the said Balakrishnan. On the very same day at about 7.45 P.M., due to the said motive, the petitioner stabbed Balakrishnan's right chest and right hand. Immediately, he was taken to Hospital, but he succumbed to the injury. Hence, the case.



3.The learned counsel for the petitioner submits that the allegations levelled in the FIR are false and concocted one. The deceased and his son were preventing the petitioner and his family members from utilizing the pathway. The said pathway dispute is pending for the past couple of years. In spite of several Panchayat, the deceased did not mend his way. On the date of occurrence, when the petitioner was walking in the street, the deceased's son pulled up a quarrel with him. However, the petitioner went to his house without responding to his words. On the very same day, at about 7.45 P.M., when the petitioner came out of the house, the deceased and his son quarreled with the petitioner and slapped him. In the scuffle, the deceased fell down and sustained injury. He would further submit that the petitioner is having the disease of heart ailment. During his incarceration in jail, the petitioner suffered a chest pain on 05.08.2021. Immediately he was admitted in the Mahathma Gandhi Memorial Government Hospital, Trichy and till now he is taking treatment. He would further submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, he is in judicial custody for the past 60 days, the material part of the investigation is almost over and hence, he may be granted bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner was admitted in the hospital only due to gastric problem and not that of any cardiac problem. He would further submit that the investigation is almost over and they are waiting for chemical analysis report.

5.Considering the facts and circumstances of the case, the nature of overt act attributed as against this petitioner, the stage of investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and 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 No.III, Trichy 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/-
25/08/2021

/ 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 NO.III
TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.11578 of 2021
Date :25/08/2021