



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12248 of 2021

Arjunan

... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
Thiruverumbur Police Station
Thiruverumbur
Tiruchirappalli District
Crime No.908 of 2021

... Respondent/Complainant

For Petitioner : M/s.Sankar S,
Advocate.

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

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

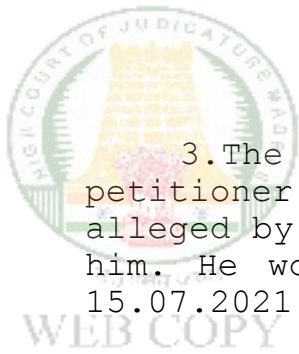
PRAYER :-

For Bail in Crime No.908 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 15.07.2021 for the offences punishable under Sections 302 and 201 I.P.C, in Crime No.908 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.07.2021 one Chitra, wife of the deceased Tamilarasan, telephonically contacted the defacto complainant, who is the brother of the deceased and told that her husband was injured out of accident and he was admitted in the Government Hospital, Trichy. Immediately, the defacto complainant rushed to Trichy and admitted his brother Tamilarasan into GVN Hospital where he died on 14.07.2021. While the deceased Tamilarasan was taking treatment in GVN hospital, one Verappan told the defacto complainant that his brother got injury only due to the attack made by the petitioner and his friend namely Vinoth. Hence,



3.The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution but a false case has been foisted against him. He would further submit that the petitioner is in jail from 15.07.2021 and hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the complaint has been lodged after three days from the date of occurrence, on the information of one Verappan. On the date of occurrence itself, the deceased was taken to the hospital and treated as an out-patient and thereafter, he was readmitted in the hospital on 13.07.2021. He would further submit that the final report is yet to be filed.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled as against this petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed 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 Additional Chief Judicial Magistrate VI, Tiruchirappali 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily **at 10.30 a.m. and 5.30 p.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/-
03/09/2021

/ TRUE COPY /

/ /2021

WEB COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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 CHIEF JUDICIAL
MAGISTRATE VI,
TIRUCHIRAPPALLI
- 2 THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION, THIRUVERUMBUR,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE SUPERINTEDENT,
CENTRAL PRISION
TIRUCHIRAPPALLI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12248 of 2021
Date :03/09/2021

PKP/JC/SAR-2/06.09.2021/3P/5C