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

Date : 01/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12557 of 2021

Selvaraj ... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Kattuputhur Police Station
Kattuputhur
Trichy District
Crime No.204 of 2021

... Respondent/Complainant

For Petitioner : Mr.V.MALAIYENDRAN,
Advocate.

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

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

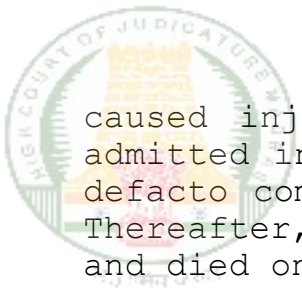
PRAYER :-

For Bail in Crime No.204 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was surrendered on 16.07.2021 for the offences punishable under Sections 294(b), 324, 307 and 506(ii) I.P.C @ Section 302 I.P.C , in Crime No.204 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and the first accused in this case are brothers. The petitioner herein is the son of the first accused. On 09.06.2021, When the defacto complainant visited his agricultural field, there was a wordy quarrel between the petitioner's family and the defacto complainant regarding partition and this petitioner along with others have assaulted the defacto complainant with an aruval and



caused injury on the head of the defacto complainant and he was admitted in the hospital on 09.06.2021. After taking treatment, the defacto complainant was discharged from the hospital on 19.06.2021. Thereafter, the defacto complainant developed certain complications and died on the way to hospital on 07.07.2021.

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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, he is inside the prison from 16.07.2021 and hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the victim died due to Multi Organs Failure. Subsequently, the case was altered into Section 302 I.P.C and this petitioner has voluntarily surrendered before the learned Judicial Magistrate, Musiri. He would further submit that the final report is yet to be filed.

5.The postmortem report reveals that the victim died due to Multi Organ Failure. Considering the facts and circumstances of the case, the nature of allegation levelled against this petitioner, the fact that the petitioner has voluntarily surrendered before the Judicial Magistrate concerned, 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 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 Judicial Magistrate, Musiri 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.** until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with the 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/-
01/09/2021

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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,
MUSIRI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 4.THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION
KATTUPUTHUR
TRICHY DISTRICT
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12557 of 2021
Date :01/09/2021

SA/VR/SAR.4/01.09.2021/3P/6C