



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

Date : 07/09/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD). No.12928 of 2021

Palaniappan

... Petitioner/Sole Accused

Vs

State Rep.by  
The Sub Inspector of Police,  
Dhalavaipuram Police Station  
Virudhunagar District.  
Crime No.173 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu, 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.173 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

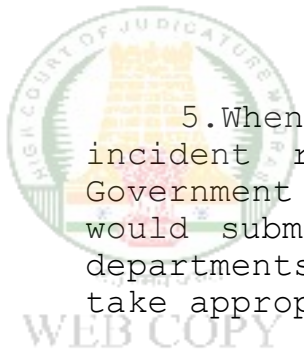
The petitioner/sole accused, who was arrested on 04.07.2021, for the offence punishable under Section 174 Cr.P.C @ Section 302 I.P.C, in Crime No.173 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased are friends. While consuming alcohol, there was a wordy quarrel between the petitioner and the defacto complainant, on account of which, the petitioner had pushed down the deceased from the two wheeler and attacked him with hands on his chest. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 04.07.2021 and therefore, sought for grant of bail.

4.The learned Government Advocate(Crl.Side) would submit that the investigation in this case is almost over.

<https://hcservices.courts.gov.in/hcservices/>



5. When this Court pointed out that this is the third such incident reported before this Court in two days, the learned Government Advocate (Crl.side) appearing for the respondent police would submit that the data/statistics are being collected by the departments and the same shall be furnished to the Government to take appropriate action to prevent this type of offence.

6. Considering the facts and circumstances of the case, the fact that the investigation is almost over, the nature of allegation levelled against the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Rajapalayam 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/-  
07/09/2021

/ 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, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON,  
MADURAI.
4. THE SUB INSPECTOR OF POLICE,  
DHALAVAIPURAM POLICE STATION  
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate ( SR-6039[I] dated  
07/09/2021 )

ORDER

IN

CRL OP(MD) No.12928 of 2021

Date :07/09/2021

MSA

MS/PN/SAR-2/07.09.2021/3P.7C