



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.09.2021
PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13698 of 2021

Sundaram

... Petitioner/Accused No.2

Vs

State rep. by,
The Inspector of Police,
Somarasampet Police Station,
Trichy District.
(Crime No.678 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor (Crl.side)

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

PRAYER :-For Bail in Crime No.678 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein, who was arrested on 30.07.2021 for the alleged offence under Sections 294(b), 323, 324, 307 and 506(ii) IPC r/w Section 4 of TNPHW Act, altered as 147, 148, 294(b), 323, 324, 302 and 506(ii) IPC r/w Section 4 of TNPWH Act, in Crime No.678 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defaccto complainant and the 1st accused are friends and both are doing the plumbing work. While so, on 26.07.2021 at about 11.00 p.m. when A1 visited the house of the defacto complainant and talked with his wife, he warned the A1. In order to wreck vengeance, on 29.07.2021 at about 09.00 p.m., A1 along with the other accused attacked the Defacto complainant and his wife and caused injuries. When one Mugilarasan tried to pacify the situation, A1 assaulted him with aruval and caused injury on his head, as a result, he died in hospital. Hence, the case.

3.The learned counsel for the petitioner would submit that specific overt act is attributed only against A1. The petitioner is arrayed as A2. He has in no way connected to this offence. The



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that this petitioner was also present in the scene of occurrence and the investigation is yet to be completed and the injured have been discharged from the hospital.

5.Considering the nature of offence, the nature of allegation against the petitioner, discharge of the injured from hospital and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judge, Additional Mahila Court, Trichy and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 Judge/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 Judge/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/-

16/09/2021

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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 JUDGE,
ADDITIONAL MAHILA COURT, TRICHY.

2 THE INSPECTOR OF POLICE
SOMARASAMPET POLICE STATION, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13698 of 2021

Date :16/09/2021

TM

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