



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14541 of 2021

Krishnamoorthy @ Dharman ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pasupathi Palayam Police Station
Karur District
Crime No.584 of 2021.

... Respondent/Complainant

For Petitioner : MR.R.GANESH PRABU, Advocate
For MR.GANDHI VEERAN, 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.584 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 11.07.2021 for the offence under Sections 302 and 307 I.P.C in Crime No.584 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.07.2021, the deceased Mohan, who is the son of the defacto complainant and his friend one Sasi Kumar consumed alcohol which was purchased and kept by this petitioner. Immediately, both became unconscious and they were taken to the hospital, where the defaco complainant's son Mohan was declared brought dead and the said Sasi Kumar took treatment as inpatient and discharged from the hospital. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant's son are friends. It is not known as to who has mixed the cyanide in the liquor and the same is yet to be detected. On apprehension that this petitioner is having motive, the respondent police have arrested him. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is inside the prison for the past 73 days. He is the only bread-winner of his family and hence, he seeks for grant of bail.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and the deceased are friends. The deceased misbehaved with the wife of the petitioner and therefore, the petitioner alone is having motive on that day and he has mixed cyanide in the liquor. Without knowing the same, the deceased and his friend consumed the liquor. The son of the defacto complainant died and the other person has been rescued. He would further submit that the investigation is completed.

5. Considering the facts and circumstances of the case, completion of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 Judicial Magistrate, Karur 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 appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.m until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during 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/-

28/09/2021

/ 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.



TO

1. THE JUDICIAL MAGISTRATE, KARUR.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 3. THE SUPERINTENDENT
CENTRAL PRISON, TRICHIRAPALLI.
 4. THE INSPECTOR OF POLICE,
PASUPATHI PALAYAM POLICE STATION
KARUR DISTRICT
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.GANDHI VEERAN, Advocate SR.No.6660

ORDER

IN

CRL OP(MD) No.14541 of 2021
Date :28/09/2021

SA/PN/SAR.4/28.09.2021/3P/7C