



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

Date : 06.10.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15155 of 2021

SAMUTHIRA PANDIAN

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.534 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.P.T.Ramesh Raja, Advocate.
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.534 of 2021 on the file of the Respondent police.

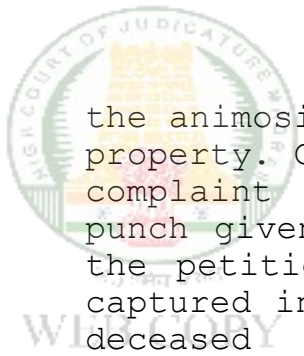
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 06.09.2021 for the offence under Section 302 I.P.C, in Crime No.534 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the son of the deceased, namely Chella Nadar and the petitioner is the younger brother of the deceased. There was a property dispute between them. On 05.09.2021 at 08.30 p.m, when the defacto complainant was standing in front of his house, the petitioner came in his two wheeler and quarrelled with him. On hearing the sound, the defacto complainant's father came to the spot, at that time, the petitioner gave a punch with his right elbow on the chest of the deceased, thereafter, he was taken to hospital where he was declared died. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that even as per the FIR the defacto complainant has narrated about

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



the animosity between the deceased and the petitioner with regard to property. Only because of this, the defacto complainant gave a false complaint as if the death of the deceased was caused due to the punch given by the petitioner. In fact, on the date of occurrence, the petitioner has not even touched the deceased and the same is captured in CCTV. He further submitted that the petitioner and the deceased are own brothers and without any preparation or premeditation for committing the alleged crime, the petitioner came to the spot and only an unexpected wordy quarrel lead to the alleged single punch caused by the petitioner. The petitioner is alleged to have given single punch at the end of an unexpected wordy quarrel and this will not come within the ingredients of section 302 IPC. He would further submit that the petitioner is inside the prison from 06.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation in this case is yet to be completed.

5.Considering the facts and circumstances of the case, the relationship of the petitioner and the deceased and also the period of incarceration and the incident has occurred on the spur of moment, 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel 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 appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 229-A IPC.

sd/-
06/10/2021

WEB COPY

/ 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,
ERANIEL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, KANYAKUMARI.
4. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15155 of 2021
Date :06/10/2021

pnm/msa
USK/SKN/SAR-II/(06.10.2021) 3P-6C