



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15494 of 2021

Jeyabalan

... Petitioner/Accused NO.1

Vs

The State rep.by,
The Inspector of Police,
Avaniyapuram Police Station, Madurai District.
In Crime No.418/2021.

... Respondent/Complainant

For Petitioner : Mr.J.Senthil Kumaraiah,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.418 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 31.08.2021 for the offence punishable under Sections 147,148,294(b),324,506(ii) and 302 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.418 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the accused are neighbors. On 18.05.2021 at about 5.00 pm., when the wife of the defacto complainant was cleaning the front portion of her house, the petitioner scolded the wife of the defacto complainant in filthy language. The defacto complainant's father asked the petitioner as to why he was unnecessarily abusing. The other accused had also started attacking his father with aruval. When the defacto complainant tried to intervene to save his father in the course of occurrence, he was also attacked by the petitioner and his son and caused injuries. Though the case was registered under Sections 147, 148, 294(b), 324, 506(ii) IPC and Section 4 of TNPHW Act, subsequently it seems that the victim Sivabalan died due to the injuries suffered in the course of occurrence. Hence, the case has been altered into Sections 147, 148, 294(b),324, 506(ii) and Section 4 of TNPHW Act.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would also submit that the petitioner along with other accused were also attacked by the defacto complainant and his family members for which a counter case has been registered in Crime NO.417 of 2021 for the offences under Sections 147,148,294(b), 324 and 506 (ii) of IPC and Section 4 of TNPHW Act. He would further submit that the petitioner is in custody from 31.08.2021 , hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition on the ground that the investigation is yet to be completed. He would further submit that the co-accused in this case have been enlarged on bail by this Court in Crl.OP(MD).Nos.9605 and 10232 of 2021 dated 26.07.201 and 30.07.2021 respectively.

5. The narration of the facts shows that the petitioner and the victim were neighbors. Due to some dispute with regard to the cleaning of front portion of the house, there was a wordy quarrel, followed by violent attacks against each other. The deceased died due to the injuries suffered by him and counter case has also been registered.

6. Taking note of the facts and circumstances of the case, the fact that the substantial portion of the investigation might have been completed by this time, the co-accused have already been released on bail by this Court and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. 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 Additional Mahila (Judicial Magistrate Level), Madurai and on further condition 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 sedapatti Police station daily at 10.30 am., 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/-

08/10/2021

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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 ADDITIONAL MAHILA JUDGE
(JUDICIAL MAGISTRATE LEVEL),
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION, MADURAI CITY.
- 4 THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION, SEDAPATTI.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.J.SENTHIL KUMARAIAH, Advocate (SR-7072[I] dated 08/10/2021)

ORDER

IN

CRL OP(MD) No.15494 of 2021

Date :08/10/2021

MSA

MK/JM/SAR.IV/08.10.2021/3P/8C