



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15888 of 2021

Rajkumar ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Lalgudi Police Station,
Trichy District,
In Crime No.633 of 2021. ... Respondent/Complainant

For Petitioner : Mr.K.Palmurugan,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.633 of 2021 on the file of the respondent police.

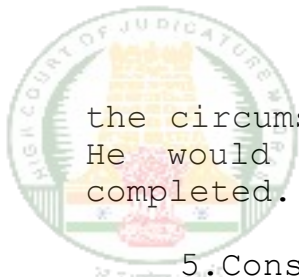
ORDER : The Court made the following order :-

The petitioner/sole accused, who has surrendered on 05.08.2021 for the offence under Section 302 I.P.C, in Crime No.633 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.08.2021, the petitioner attacked the deceased with the wooden log repeatedly and caused his death. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that though the petitioner's name was not found in the FIR, the respondent police threatened the petitioner under the guise of enquiry, he voluntarily surrendered before the learned Judicial Magistrate No.II, Trichy on 05.08.2021. He would further submit that the petitioner is an innocent and he has not indulged in any kind of offences as alleged by the prosecution. He is languishing in jail from 05.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the case is registered based on



the circumstantial evidence. Admittedly, the deceased is a drunkard. He would further submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the fact that the case was registered on circumstantial evidence, the voluntary surrender of the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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, Lalgudi, Trichy District 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 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/-
25/10/2021

/ 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 COURT,
LALGUDI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

4 THE INSPECTOR OF POLICE
LALGUDI POLICE STATION, TRICHY DISTRICT,

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

ORDER

IN

CRL OP(MD) No.15888 of 2021

Date :25/10/2021

PNM/MSA

MK/JM/SAR.IV/25.10.2021/3P/6C