



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

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16167 of 2021

1. Murugan
2. Manokaran

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.185 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.Sathish Kumar,
Advocate.

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

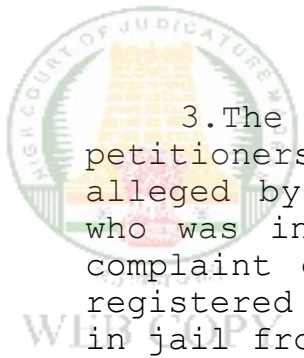
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.185 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 07.09.2021, for the offence punishable under Section 302 I.P.C, in Crime No.185 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first petitioner is none other than the brother and the second petitioner is the maternal uncle of the deceased Mani @ Theevamani. On 06.09.2021, during the funeral ceremony of one Lekkamal, her elder son the said Mani @Theevamani has created a problem with regard to Urumakattu function which was conducted in front of the second petitioner's house. When the petitioners and others tried to compromise the issue, the deceased Mani @ Theevamani tried to attack the petitioners, subsequently, the petitioners assaulted the deceased. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that the deceased, who was in drunken mood, assaulted the petitioners. Based on the complaint given by the Village Administrative Officer, a case was registered against the petitioners. The petitioners are languishing in jail from 07.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed and hence, he strongly opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioners, the fact that though several persons have witnessed the occurrence, no one has come forward to lodge a complaint and the complaint was lodged only at the instance of the Village Administrative Officer, on the date of occurrence, the deceased was in a drunken mood and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruchuli, Virudhunagar District 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 petitioners shall report before the respondent Police daily at 10.30 a.m until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/10/2021

/ TRUE COPY /

WEB 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,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 4. THE OFFICER INCHARGE, SUB JAIL,
VIRUDHUNAGAR.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-7397[I] dated 25/10/2021)

ORDER
IN
CRL OP(MD) No.16167 of 2021
Date :25/10/2021

PNM/MSA
MS/JM/SAR-4/25.10.2021/3P.7C