



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2512 of 2022

Thirugnanam @ Thirugnanam Sambandam ... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.2/2022)

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.2 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused NO.1, who was arrested and remanded to judicial custody on 03.01.2022 for the offence punishable under Sections 294(b), 323, 302 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 in Crime No.2 of 2022, on the file respondent police, seeks bail.

2. The case of the prosecution is that the deceased Gomathi is the mother of the defacto complainant, that the defacto complainant is living along with her son and daughter, that there was a dispute between the first accused and the son of the defacto complainant at the time of playing Kabadi, that the accused aggrieved over the same on 02.01.2022 came to the house of the defacto complainant and attacked the son of the defacto complainant and at that time, the defacto complainant and the mother of the defacto complainant had intervened, that the first accused pushed her down with hands, that the said Gomathi had sustained injury and she died on the way to the hospital, the present complaint.



3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged in the F.I.R., and a false case has been registered against him.

4. The learned Additional Public Prosecutor appearing for the State would submit that there arose some disputes between the first accused and the defacto complainant's son at the kabadi ground, that the first accused aggrieved over the same, came along with the other accused to the house of the defacto complainant, that the accused had abused the defacto complainant and her daughter in filthy language and attacked them and that when the mother of the defacto complainant had intervened, the first accused had pushed her down and that she had sustained injuries and died on the way to the hospital.

5. Considering the nature of the overt act alleged against the petitioner and also the fact that the petitioner is in judicial custody from 03.01.2022, that the petitioner is not having any previous case for similar offence or any other serious offences, as stated by the learned Additional Public Prosecutor appearing for the State, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur District and on further conditions that;

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall report before the respondent Police daily at 10.30 a.m until further orders;

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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]***.



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/02/2022

/ TRUE COPY /

WEB COPY

16/02/2022
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,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
THE CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2512 of 2022
Date :16/02/2022

SSL
MK/PN/SAR.II/16.02.2022/3P/6C