



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4120 of 2022

Murugan @ Murugesan,

... Petitioner/Sole Accused

Vs

The State Rep by,
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District
(Crime No. 6 of 2022).

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel,
for Mr.Prabhu K, Advocate

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

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

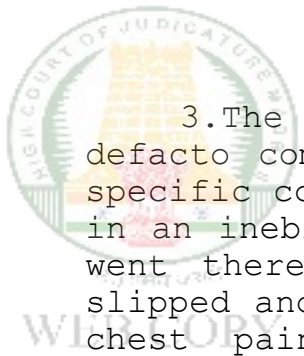
PRAYER :-

For Bail in Crime No. 6 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 18.01.2022 for the offences punishable under Sections 174 Cr.P.C altered into Sections 294(b) and 302 IPC, in Crime No.6 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.12.2021, the deceased came in an inebriated mood and had thrown stones and sands at the children, who were playing there, that when the same was questioned by the accused, there were also petty quarrel between them and that the accused attacked the deceased with stick and pushed him down and kicked him and that subsequently, he died on 03.01.2022. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the defacto complainant, who is the wife of the deceased, has given a specific complaint that her husband on 31.12.2021, came to the house in an inebriated mood and on hearing the noise from cow stable, he went there and at that time, he stamped over cow dung and got slipped and fell down, that since the deceased had developed severe chest pain, he was immediately taken into the hospital and thereafter, he died on 03.01.2022 and that she had specifically stated that her husband had died due to the fall in the cows shed.

4.The learned counsel for the petitioner would further submit that after death of the defacto complainant's husband, for the reasons known to them, a false story was foisted as if, the accused had attacked the defacto complainant and caused the internal injuries and that the petitioner has nothing to do with the injuries alleged to have suffered by the deceased. He would further submit that the petitioner is in judicial custody from 18.01.2022 for no fault on him and that the petitioner is innocent and he has no connection whatever with the alleged occurrence and therefore, he may be enlarged on bail.

5.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is almost completed and that the petitioner is not having any previous case.

6.No doubt, the earlier application was dismissed by this Court in Crl.OP(MD)No.2678 of 2022 vide order dated 15.02.2022.

7.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 18.01.2022, that the investigation is almost completed as stated by the learned Additional Public Prosecutor and that the petitioner is not having any previous case for similar offence or serious offence, this Court is inclined to grant bail to the petitioner.

8.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 No.V, Tirunelveli.

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.

<https://hcservices.courts.gov.in/hcservices/> 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/-
03/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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 JUDICIAL MAGISTRATE NO.V
TIRUNELVELI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI
DISTRICT.
- 3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-1672[I] dated 03/03/2022)

ORDER
IN
CRL OP(MD) No.4120 of 2022
Date :03/03/2022

PKP/SBN/SAR-3/04.03.2022/3P/7C