



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.5754 of 2022

Prithivirajan

... Petitioner/Accused No.2

Vs

The State represented
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
(Crime No.156 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

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

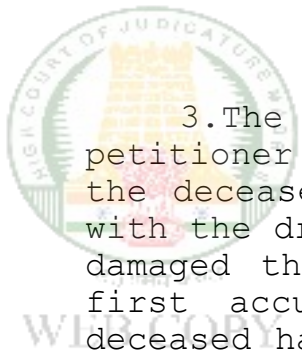
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-For Bail in Crime No.156 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 03.03.2022 for the offence punishable under Section 174 (3) Cr.P.C. altered into Section 302 IPC, in Crime No.156 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased Santhoshraj had caused damage to the lorry, which was parked in front of his house, under drunken mood, due to that, the petitioner and the first accused, who are the brother and father of the deceased respectively, rushed to the spot and pacified the lorry driver and had taken the deceased to the house and at that time, the deceased fell down in the foot step of the house and thereafter the petitioner and the first accused laid down the deceased in the bed and subsequently he died. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner and the deceased are the sons of the first accused, that the deceased is drunkard and on the fateful day, he had quarrelled with the driver of the lorry, which was parked nearby his house, and damaged the windshield of the lorry, that the petitioner and the first accused had taken the deceased and even thereafter the deceased had quarrelled with the driver of the lorry and thereafter the accused had taken the deceased and beaten him and locked him in a room and subsequently he died. He would further submit that the first accused was already arrested and released on bail by the Principal Sessions Judge, Thanjavur.

4.The learned Additional Public Prosecutor would submit that investigation is almost completed, that medical test reports are awaited and that the petitioner is not having any previous cases.

5.Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 03.03.2022, that the petitioner is not having any bad antecedents and that the first accused was released on bail by the Principal Sessions Judge, Thanjavur, 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 No.II, Kumbakonam, Thanjavur District.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/04/2022

/ TRUE COPY /

WEB COPY

07/04//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 NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.M.KARUNANITHI, Advocate (SR-3035[I] dated 07/04/2022)

ORDER
IN
CRL OP(MD) No.5754 of 2022
Date : 07/04/2022

CSM
MK/VR/SAR.IV/07.04.2022/3P/7C