



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

Date : 28/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7489 of 2022

WEB COPY

Alagumuneeswaran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
in Crime No.37/2022.

... Respondent/Complainant

For Petitioner : M/s.Rajamohan R,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.37 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 07.03.2022 for the offences punishable under Sections 294(b) and 302 IPC, in Crime No.37 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.03.2022 at about 09.00 p.m., when the de-facto complainant went out of the home to attend a function, there was a wordy quarrel between the petitioner and the deceased, who is the brother of the petitioner, at that time, the petitioner who was in a drunken mood, abused the deceased in filthy language and indiscriminately assaulted his own brother/deceased with spade and thereby, the deceased died on the spot. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the brother of the deceased and that both the petitioner and the deceased were in drunken mood and there was a wordy quarrel between them and due to the sudden provocation, both the accused and the deceased attacked each other but the deceased succumbed to the injuries.



4.The learned Government Advocate (Crl. side) would submit that both the petitioner and the deceased were in drunken mood, that there was a wordy quarrel between them and that the petitioner assaulted his own brother and caused his death. He would further submit that the petitioner is not having any bad antecedents.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 07.03.2022 and also the facts that the petitioner is not having any bad antecedents and that the investigation might have been completed by this time, 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, Virudhunagar.

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

sd/-

28/04/2022

/ TRUE COPY /

28/04/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-3971[I] dated 28/04/2022)

ORDER

IN

CRL OP(MD) No.7489 of 2022

Date :28/04/2022

RS/VR/SAR.2 (28.04.2022) 3P-7C