



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.7736 of 2022

Sivasamy

... Petitioner/ Sole Accused

Vs

The State rep.by
The Inspector of Police,
Keeranur Police Station,
Pudukottai District.
(Crime No.115/2022).

... Respondent/Complainant

For Petitioner : M/s.S.POORNACHANDRAN
Advocate.

For Respondent : Mr.A.THIRUVADIKUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.115 of 2022 on the file of the Respondent Police.

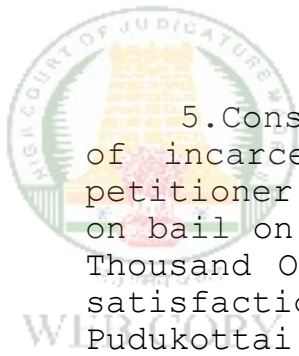
ORDER : The Court made the following order :-

The petitioner/Sole Accused who was arrested on 09.04.2022 for the offences under Section 302 of IPC, in Cr.No.115 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner and the deceased are brothers. Due to some property dispute, they attacked each other. Thereby the deceased lost his life. Hence, the present complaint has been filed.

3.The learned counsel for the petitioner would submit that since there was a wordy quarrel between them, it is alleged that the petitioner pushed the deceased to the floor. Unfortunately his brother died due to that incident. He would further submit that there is no motive to commit murder and the petitioner is an innocent.

4.The learned Additional Public Prosecutor would submit that there is no previous case is pending against the petitioner. Admittedly, the petitioner and the deceased are brothers. Due to property dispute, the petitioner murdered the deceased. Thereby he vehemently opposed the grant of bail to the petitioner.



5.Considering the facts of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Keeranur, Pudukottai District and on further condition 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/05/2022

/ TRUE COPY /

11/05/2022
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
KEERANUR, PUDUKOTTAI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.POORNACHANDRAN S Advocate SR.No.4603

ORDER

IN

CRL OP(MD) No.7736 of 2022

Date :11/05/2022

SA/VR/SAR.4/11.05.2022/3P/7C