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3BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Dated: 07/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.10670 of 2022

Selvam : Petitioner/A1

Vs.

State through
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District,
In Crime No.79 of 2022 : Respondent/Complainant

For Petitioner : Mr.R.Anandharaj

For Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

For Intervenor : Mr.S.M.Sanjay

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

PRAYER :- C-6B.For Bail in Crime No.79 of 2022 on the
file of the Respondent Police.



ORDER : The Court made the following order:-

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The petitioner, who is arrayed as A1 was arrested, on 08/05/2022 and remanded to judicial custody for the alleged offences punishable under sections 294(b), 109, 324, 307 IPC r/w Section 4 of TNPHW Act @ 294(b), 109, 324, 302 IPC r/w Section 4 of TNPHW Act, in Crime No.79 of 2022, seeks bail.

2.The case of the prosecution is that A1 is the resident of the de-facto complainant village. He married one Mangayarkarasi. A1 went abroad and his wife was living along with in-laws in the matrimonial home. There was frequent trouble between the Mangayarkarasi and the mother of the A1 namely Seethai. A1 was under the impression that only the de-facto complainant and her family members are responsible for the quarrel. In pursuance of the wrong impression, on 08/05/2022 at about 5.00 pm, when the de-facto complainant and the deceased was in front of the house A1 came there and even without going to his house, directly came to the house of the de-facto complainant and picked up quarrel and the other accused namely A2 and A3 are also joined with A1 and they



also instigated A1 to kill them. With wooden log, A1 tried to assault her. Her husband intervened and tried to pacify A1. In spite of that, A1 caused assault on the head with wooden log. The deceased fell down and became unconscious. When the neighbours came there, all the accused persons ran away from that place. The deceased was taken to the hospital and from there, the statement of the de-facto complainant was recorded. Later, the deceased died, the case was altered to 302 IPC.

3. Seeking bail, the petitioner/A1 has moved this petition on the ground that there was absolutely no premeditation or motive to murder the deceased. It is a sudden quarrel and this petitioner out of angry, picked up the wooden log and hit the deceased. According to him, there was no intention on his part to cause death.

4. The learned counsel appearing for the intervenor would submit that even as per the allegation that has been mentioned in the FIR, through phone, A1 has warned the de-facto complainant and her family members, that he will come to India and will do something. According to the intervenor, this allegation shows that there was



premeditation in the mind of the petitioner to cause the death. But the learned counsel appearing for the petitioner would submit that when the petitioner came to the house of the deceased, he was not armed with any weapon, he picked up the weapon lying nearby and out of sudden provocation, caused the assault.

5.The manner in which, the occurrence took place shows that there was frequent quarrel between the deceased family and the first accused over the domestic issue between his wife and mother, for which, either the deceased nor the de-facto complainant can be held responsible. Wrong impression has been created in the mind of the petitioner by the co-accused as if the de-facto complainant is the root cause for the above said trouble. It is a matter for investigation.

6.Considering the duration of the custody of the petitioner and the major portion of the investigation is also over and no bad antecedent is reported against the petitioner, this court is inclined to grant bail to the petitioner with certain conditions. 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Devakottai and on further condition that the petitioner shall stay at Trichy and report before the Judicial Magistrate No.1, Trichy daily at 10.30 am until further orders.

07/07/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Thiruppathur All Women Police Station
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Central Jail, Madurai.

G . ILANGOVAN , J



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