



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20666 of 2021

Rajagopal

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.198/2021).

... Respondent/Complainant

For Petitioner : Mr.M.Jothibas, Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 198 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Sole Accused herein, who was arrested on 10.11.2021 for the alleged offence under Sections 294(b), 307 of IPC altered into 294(b), 302 of IPC in Crime No.198 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.11.2021 at about 5 p.m., the husband of the defacto complainant who is the deceased, came in a drunken mood and quarreled with the defacto complainant and her aunt Guruvammal. The petitioner is the brother of the defacto complainant's husband, made an warning, but he was not hearing. He assaulted the deceased with a wooden log and caused injuries on his forehead and back of the head and he was taken to the hospital. But he died on 10.11.2021.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor submitted that only on 08.12.2021, the bail application that has been filed by this petitioner came to be dismissed by the learned Principal District and Sessions Judge, Srivilliputhur in Cr.M.P.No.2777 of 2021, on the ground that investigation is not completed and postmortem report was not received.

5.It appears that there a quarrel arose between the defacto complaint and the deceased when the deceased was in drunken mood. No previous motive existed between the petitioner herein and the deceased. The wooden log is the weapon.

6.Considering the period of incarceration and the fact that major portion of the investigation would have been over by this time, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 No.II, Virudhunagar, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

04/01/2022

/ TRUE COPY /

/ /2022

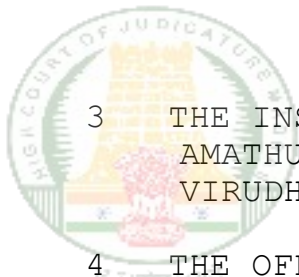
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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



3 THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT

4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-10[I] dated 04/01/2022)

ORDER

IN

CRL OP(MD) No.20666 of 2021

Date :04/01/2022

PKP/VR/SAR-3/04.01.2022/3P/7C