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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21718 of 2022

Muthappan

... Petitioner/Petitioner/
Sole Accused

Vs

The State rep.by
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.305/2022).

... Respondent/Respondent/
Complainant

For Petitioner : M/s.Kannan.V,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

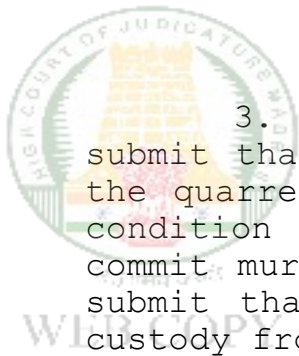
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.305/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 08.11.2022 for the offence punishable under Sections 302, 324 IPC @ 302 IPC in Crime No. 305 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased Selvam is the brother of the defacto complainant. The petitioner owned coconut farm situated at Silkuvarpatti Main road, where the said Selvam was working as night watchman and stayed a small house therein. On 02.11.2022, at about 7.00 pm the petitioner's son Jayaraj and his grandson Suray arrived at the garden to hand over the food for the petitioner, at that time, the body of the Selvam was found outside of the said house with injuries and the petitioner also found in unconscious condition with the blood injuries, on enquiry, the respondent police found that the petitioner committed murder. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the alleged occurrence said to have taken place during the quarrel between the petitioner and the victim in an inebriated condition and there was no motive on the part of the petitioner to commit murder and it is an unfortunate accident. He would further submit that the petitioner is octogenarian and he is in judicial custody from 08.11.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a second bail application and the earlier petition filed by the petitioner was dismissed by this Court on 23.11.2022 in CrI.O.P(MD).No.20721 of 2022, on the ground that the investigation of case is in initial stage. He would further submit that the victim who is the worker of the petitioner's farm had consumed alcohol on the previous day and during such time, there was a quarrel between the petitioner and the victim and that the petitioner had assaulted the victim and due to which, he sustained injuries and on the next day he was found dead and the petitioner herein has also sustained injuries and he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 08.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Nilakkottai, Dindigul District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

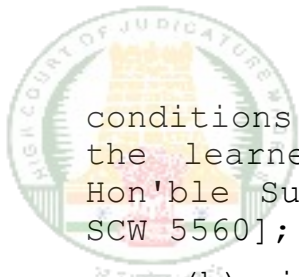
(c) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, once in a week i.e., on every Saturday of English Calendar month at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 or 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/12/2022

/ TRUE COPY /

09/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE OFFICER INCHARGE, SUBORDINATE JAIL, DINDIGUL.
- 4 THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. KANNAN.V Advocate SR.No.14618

ORDER

IN

CRL OP(MD) No.21718 of 2022
Date :09/12/2022

TRP
SA/VRS/SAR. /09.12.2022/3P/7C