



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

Monday, the Twentieth day of February Two Thousand and Twenty Three

PRESENT

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

CRL OP(MD) . No.3195 of 2023

Sivakumar ... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District
(Crime No.74 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Anandan.B

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

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

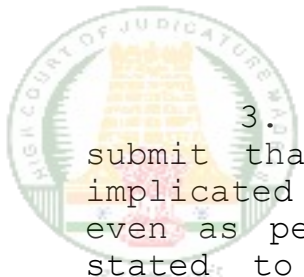
PRAYER :-

For Bail in Crime No.74 of 2023 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 18.01.2023 for the offences under sections 294(b) and 302 of IPC in crime No.74 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 17.01.2023 a Kabadi tournament was conducted on the eve of Pongal festival for which the defacto complainant acted as umpire and in that tournament the petitioner quarrelled with the defacto complainant and thereafter the petitioner had gone to the house of the defacto complainant and quarrelled with the father of the defacto complainant asking the whereabouts of the defacto complainant and pushed down the father of the defacto complainant and thereby he died, hence the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated as an accused on suspicion. He would further submit that even as per the First Information Report the alleged incident is stated to have taken place during the quarrel and there is absolutely no intention on the part of the petitioner to commit the murder of the deceased and the incident had happened when the deceased had intervened in the quarrel. He would further submit that the petitioner is in judicial custody from 18.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to quarrel regarding the conduct of kabadi match the petitioner herein had gone to the house of the defacto complainant and made quarrel with the father of the defacto complainant asking the whereabouts of the defacto complainant and pushed down the father of the defacto complainant and thereby he died, hence he objected to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration 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, Pattukottai and on further conditions that:

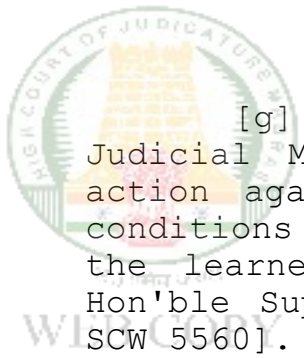
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall stay at Madurai and report before the Tallakulam Police Station daily 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 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 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/02/2023

/ TRUE COPY /

/02/2023

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

PNM

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
 3. THE OFFICER IN-CHARGE, DISTRICT PRISON, PUDUKOTTAI.
 4. THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT
 5. THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI. I
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.ANANDAN B Advocate SR.No.2509(I)

ORDER
IN
CRL OP(MD) No.3195 of 2023
Date :20/02/2023

NA/BUC/SAR/20.02.2023/3P/8C

<https://www.mhc.tn.gov.in/judis>