



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/07/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12796 of 2023

K.Murugan,

... Petitioner/Sole Accused

Vs

The State, represented by
The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.
Crime No.104/2023.

... Respondent/Complainant

For Petitioner : Mr.PREM AYYATHURAI,
Advocate.

For Respondent : B.NAMBISELVAN,
Additional Public Prosecutor

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

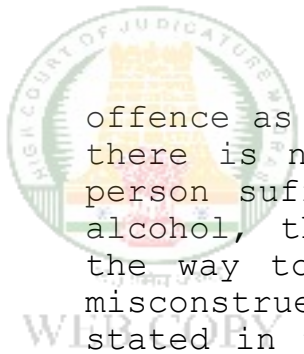
PRAYER :- For Bail in Crime No.104 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 28.05.2023 for the alleged offence under Section 174 of Cr.P.C. @ 302 of IPC in Crime No.104 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased namely Sundaresan are brothers. Their mother have owned a shop in Nilakkottai Kodai Road. The rental amount of above said shop was given to said Sundaresan by his mother. The adjacent shop owner asked permission to put the steel roof sheet joining with the shop of the deceased's mother and he was permitted for the same. But the said Sundaresan objected the same, there was a wordy quarrel between the said Sundaresan and the petitioner, upon which, enmity arose between said Sundaresan and the petitioner. On 25.05.2023, when the said Sundaresan sitting alone in Vaathiyar Puliyanthopu, Jeganathapuram Road, the petitioner attacked him with wooden log till he died and thereby caused death to him. Hence, the complaint.

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. Further, he would submit that there is no eye witness of the said incident. The deceased was a person suffering from alcohol addiction. Due to habit of usage of alcohol, the deceased was frequently falling in various places on the way to his house. A wordy quarrel prior to the incident was misconstrued by the respondent Police. At the time of occurrence as stated in the report, the petitioner was staying in his home along with his wife.

4. The learned Additional Public Prosecutor submitted that investigation has been completed, Final Report has been filed before the learned Judicial Magistrate, Nilakkottai, it was taken cognizance in P.R.C. No.23 of 2023 and the case is posed on 21.07.2023. Further, there is no previous case pending against the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Considering the facts and circumstances of this case and the fact that the petitioner is having no previous cases and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, Nilakkottai**, and on further condition that the petitioner shall stay away from the occurrence place and must stay at Trichy and report before the learned **Judicial Magistrate No.I, Trichy** daily at 10.30 a.m. until further orders.

sd/-

13/07/2023

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13/07/2023

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

INDU
TO

1 THE JUDICIAL MAGISTRATE,
NILAKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



3 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

4 THE INSPECTOR OF POLICE,
AMMAYANAICKANUR POLICE STATION,
DINDIGUL DISTRICT.

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

COPY TO:

1 THE JUDICIAL MAGISTRATE NO.I,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

**ORDER
IN**

CRL OP(MD) No.12796 of 2023
Date :13/07/2023

SA/VR/SAR. /13.07.2023/3P/8C