

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7633 of 2020

1.Selvakumar
2.Anitha

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Velagoundampati Police Station,
(Crime No.145/2020)
Namakkal District.

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.145 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Shivakumaran

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioners were arrested and remanded to judicial custody on 19.04.2020 for the offence punishable under Section 302 IPC in Crime No.145 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are neighbours and they were cultivating Tomatoes of one acre of land belonging to one Ramayee. The lease of the defacto complainant was over. However, even before the lease period of the accused was over, the land lady Ramayee directed the petitioners not to cultivate the land. The petitioners misunderstood that the defacto complainant are the reason and instigated the land lady Ramayee to evict the petitioners from the lands as a result, the petitioners started picking up quarrel with the defacto complainant. On 18.04.2020, the petitioners picked up quarrel with the defacto complainant and her husband. At that time, the petitioners hit the defacto complainant's husband Sekar on his chest with hands. Thereafter, the said Sekar was taken to hospital, where he was declared brought dead. Hence, this complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution. The learned counsel further submitted that the

actual fact is that the husband of the defacto complainant had some heart ailments. Due to scuffle and fall, the deceased succumbed to death. No occurrence has taken place as alleged by the prosecution. Further he submits that the petitioners are in judicial custody from 19.04.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant and the petitioners are neighbours and they were cultivating one acre of land of one Ramayee. Because of the petitioners misunderstanding, the quarrel started and the petitioners hit the defacto complainant's husband on chest. Thereafter, he died. There is no his previous case against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 19.04.2020 and no weapon used and it was only a scuffle, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, each of the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed.

(c) 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.

(d) the petitioners shall report before the respondent police as and when required for interrogation.

(e) the petitioners shall not abscond either during investigation or trial.

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(g) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL

2 THE JUDICIAL MAGISTRATE,
NO.I, NAMAKKAL

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
VELAGOUNDAMPATTI POLICE STATION,
NAMAKKAL DISTRICT

5 THE OFFICER INCHARGE
SUB JAIL, NAMAKKAL

6 THE SUPERINTENDENT,
CENTRAL PRISON FOR LADIES,
SALEM.

CC to M/S D.SIVAKUMAR Advocate on payment of necessary charges

CRL OP.7633/2020

Date :18/05/2020

RVR 24/08/2020