

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO.8891 of 2020

Subramani

... Petitioner

Vs.

The State Rep.by

The Inspector of Police,  
Mangalam Police Station,  
Mangalam,  
Tiruvannamalai District.

.... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.992 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.C.Iyyappa Raj  
Additional Public Prosecutor  
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O R D E R

The Petitioner who was arrested and remanded to judicial custody on 19.05.2020 for the offences punishable under Sections 294(b), 302 IPC, in Crime No.992 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased Manickam is the father of the petitioner. The deceased Manickam had two sons namely Palani and Subramani. The said Palani was the elder son. Both of them were married. The deceased had partitioned his property and had given 2 ½ acres of land to Palani and 2 ½ acres of land to the petitioner. The deceased was keeping 1 acre of land and he had been cultivating the same. The said Palani had passed way. Thereafter his wife Andaal and two sons and one daughter were cultivating the lands of 2 ½ acres given to them. The petitioner was insisting the deceased to give the entire one acre of land to him. The deceased was contemplating to divide the one acre of land equally between the two sons. The petitioner insisted him that one acre of land to be given to him and for the past 10 days a fight was going on in this regard. On the date of occurrence, ie., on 18.05.2020 there was a heated arguments in this regard. On that day at 5.45 pm, the petitioner had taken Koduval and had attacked the deceased on his leg. The deceased being elderly and aged person of around 75

years had fallen down with bleeding injury and later he passed away.

3. The learned counsel for the petitioner has submitted that there was some property dispute with regard to the inheritance of the property between the petitioner and his father. On 18.05.2020, there was a wordy quarrel between them which ensued into a fight in a fit of rage, the petitioner assaulted his father who had fallen down and got injured on his leg and later succumbed to the injury.

4. The learned Additional Public Prosecutor has submitted that the deceased/ father of the petitioner had two sons namely Palani and Subramani. Palani is the elder son who died earlier. The deceased/ father of the petitioner had partitioned earlier his property equally among his two sons and he was holding one acre of land with him. This one acre was demanded by the petitioner to be given to him on whole and due to which they had a fight on 08.05.2020. On that day at about 5.45 pm, the petitioner had assaulted his father with knife on his leg. The deceased had fallen down and later succumbed to the injury.

5. Considering the facts and circumstances of this case and submissions on either side and also consider the period of incarceration of the petitioner and also the nature of the offence, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

(a) the Petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison.

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(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 Petitioner shall report before the Respondent Police as and when required for interrogation.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) The petitioner shall not disturb the peaceful possession and enjoyment of the property of his brother's family and also will not claim right over the property of one acre of land which was left by the deceased by force or unlawful means.

(i) on breach of any of the aforesaid conditions, the learned Judicial 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]; and

(j) 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/-  
18/06/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,  
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

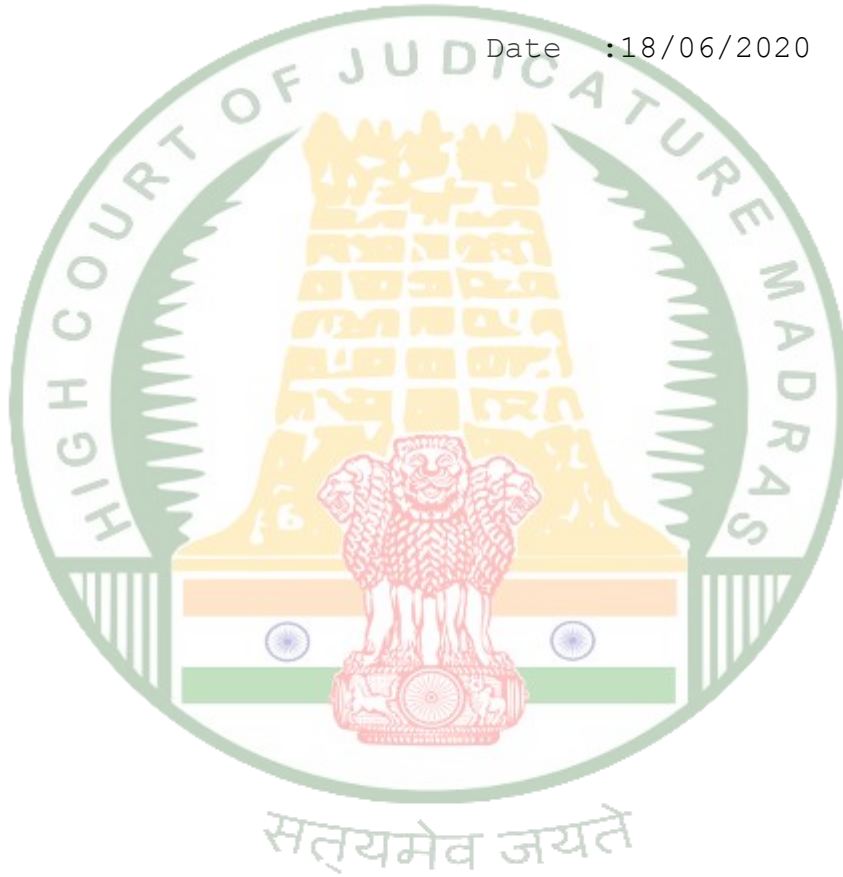
4 THE INSPECTOR OF POLICE,  
MANGALAM POLICE STATION,  
MANGALAM, TIRUVANNAMALAI DISTRICT

CC to M/S B.JAWAHAR Advocate on payment of necessary  
charges

CRL OP.8891/2020

Date :18/06/2020

MK:29/09/2020



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