

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12466 of 2020

1.Murugan
2.Gandhi

... petitioners

Vs.

The State rep. by
The Inspector of Police
Panamadangi P.S.
(Crime No.252 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.252 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.S.K.Chandrakumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 10.06.2020 for the offences punishable under Section 147, 148, 294(b), 324, 307 and 302 IPC. in Crime No.252 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant Chinnammal is that her husband Krishnan / deceased and the 4th accused are brothers. Due to dispute between them with regard to sharing of the ancestral property, on 10.06.2020 when the defacto complainant and her husband questioned the accused about the demolition of wall in the property, there was a quarrel, during which, the 4th accused and other accused assaulted the defacto complainant's husband with wooden logs, reaper pipes and bamboo stick, due to which, he sustained injuries and when he was taken to the hospital, he was declared brought dead.

3.The learned counsel appearing for the petitioners would submit that the 4th Accused and the deceased are brothers and there was a dispute in respect to the sharing of the ancestral property. The deceased put up a shed in the common passage and hence there was a dispute, during which, this incident happened. He would further submit that all the family members have been implicated in this case. He would further submit that the brother of the petitioner earlier approached this Court and he was granted bail in Crl.O.P.No.11295 of 2020 vide order dated 29.07.2020. He would further submit that the major part of the investigation is over and the co-accused who were enlarged on bail are regularly complying with the conditions imposed by this Court.

4.The learned Government Advocate (Crl. Side) would submit that the deceased and A4 are brothers. There was a dispute in respect to the sharing of their ancestral property. On the fateful day, during the quarrel, the petitioners along with other accused have assaulted the husband of the defacto complainant resulting in her husband's death.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the fact the the co-accused in this case have been granted bail by this Court, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) Thereafter, the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Katpadi, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, 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 petitioners on their release from prison, shall stay in Krishnagiri and report before the Krishnagiri Town police station everyday at 10:30 a.m and 5.30 p.m. until further orders. The petitioners shall not enter the jurisdictional limits of the respondent police.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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];

(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/-

19/08/2020

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 JUDICIAL MAGISTRATE,
KATPADI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANAMADANGI POLICE STATION.

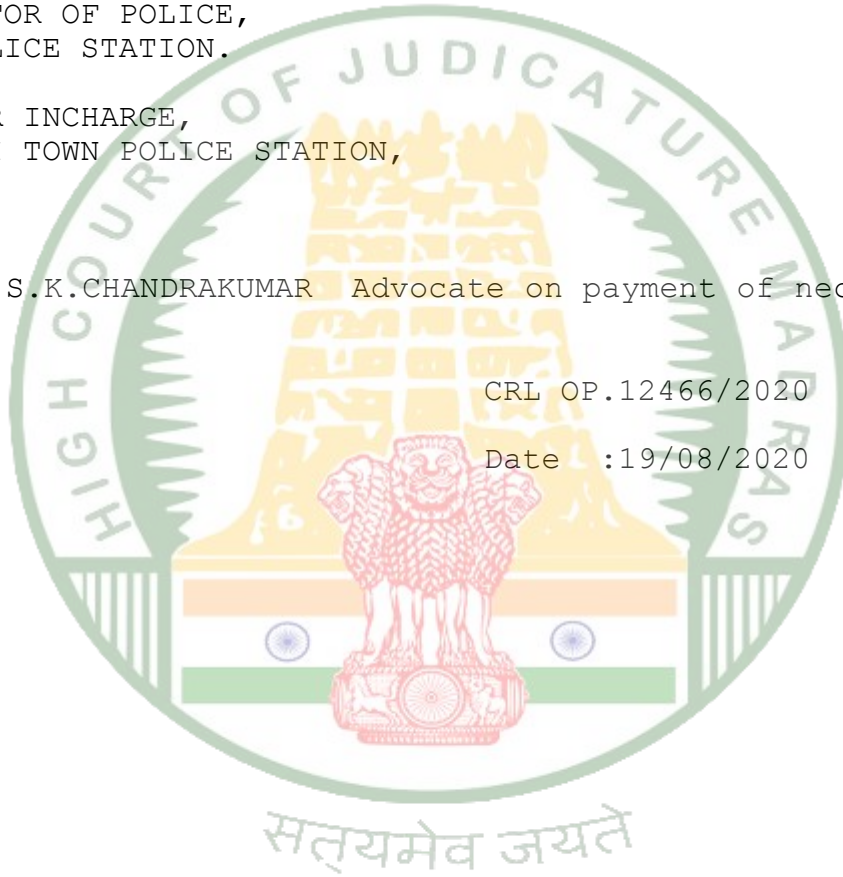
5 THE OFFICER INCHARGE,
THE KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI

CC to M/S. S.K.CHANDRAKUMAR Advocate on payment of necessary
charges

CRL OP.12466/2020

Date :19/08/2020

MK:07/09/2020



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