

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

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

CRL.O.P.No.15169 of 2020

B.Dhanasekar

... Petitioner

Vs.

The State represented by,
The Inspector of Police
Arni Taluk Police Station
Tiruvannamalai District.
(Crime No.1933 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1933 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Arun

For Respondent : Ms.S.Thankira

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.09.2020 for the offences punishable under **Section 147, 294(b), 323 & 302 IPC in Crime No.1933 of 2020**, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that there was a dispute between the family of the defacto complainant and the accused with regard to the property. On 27.06.2020 at about 8:00 a.m. while the defacto complainant along with his family members attempted to plant coconut saplings in the disputed land, the accused came to the spot and picked up a quarrel, assaulted the father of the defacto complainant with hands and also fisted, due to which, he fell down. When the defacto complainant's father was taken to the hospital, he was declared brought dead.

3 The learned counsel appearing for the petitioner would submit that the occurrence had happened due to a previous enmity regarding land dispute. He would submit that the petitioner was not present at the scene of occurrence, but, the entire family

members of the petitioner have been implicated in this case. He would submit that the other accused who are relatives of the petitioner have been arrested and they have been enlarged on bail granted by this Court in Crl.O.P.No.11094/2020, dated 24.07.2020 & Crl.O.P.Nos.11087 & 11095/2020, dated 27.07.2020. He would further submit that the major part of the investigation is also over. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to land dispute, the petitioner along with other accused have assaulted the father of the defacto complainant with hands, due to which deceased has sustained injuries. She would further submit that the deceased was aged about 66 years and that the investigation is pending. Hence, she opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel, 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 his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Arani, Thiruvannamalai District, **within a period of two weeks from the date of commencement of the Court's normal functioning**, 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 stay at Vellore and report before the Vellore Town Police Station daily at 10:30 a.m. until further orders. The petitioner shall not enter the jurisdiction limits of the respondent police.**

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

(i) 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/-

25/09/2020

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,
ARNI, THIRUVANNAMALAI DIST

2 THE SUPERINTENDENT, SUB JAIL, POLUR

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARNI TALUK POLICE STATION,
THIRUVANNAMALAI DIST.

5 THE OFFICER INCHARGE
VELLORE TOWN POLICE STATION, VELLORE

+1 CC to M/S.ARUN.G Advocate on payment of necessary charges
SR.NO.6488

CRL OP.15169/2020

Date :25/09/2020

GKS:29/09/2020