

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18359 of 2020

1.Rajalakshmi
2.Mohanraj

... Petitioners

Vs.

The Sub Inspector of Police
Ulundurpet Police Station
Ulundurpet Taluk
Villupuram District
(Crime No.2551 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.2551 of 2020, pending on the file of the respondent police.

For Petitioners : Mr.S.Saravanakumar

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Cr1. 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 07.10.2020, for the offences punishable under Section 296(b), 323, 324, 342 and 506(ii) @ 302 of IPC, in Crime No.2551 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased had four daughters and one son viz. the defacto complainant herein. The deceased had 2 ½ acres of land and he had settled the entire property in favour of his son, Elumalai, against which, there was some family dispute. While so, on 06.10.2020, the petitioners herein who are the grand son and daughter of the deceased had developed quarrel with the deceased Veerasamy, and during the quarrel, they have assaulted the deceased with stone on his stomach, due to which, he sustained injuries and the respondent police registered a case originally for the offences under Section 296(b), 323, 324, 342 and 506(ii) IPC and later when the deceased succumbed to injuries, it was altered to 302 IPC and the petitioners were arrested on 07.10.2020.

3. The learned counsel appearing for the petitioners would submit that there was a dispute with regard to settlement of properties by the deceased Veerasamy, due to which, there was a quarrel and during the quarrel, the petitioners have only tried to intervene the quarrel, and the incident took place suddenly and the petitioners have not caused the same. He would further submit that the deceased was 75 years and he was caught in between five people and succumbed to injuries but the petitioners have been falsely implicated in this case. He would further submit that the petitioners were arrested on 07.10.2020 and they are in custody for the past 45 days and the major part of the investigation is almost over.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the deceased had four daughters and one son and that he had settled the entire property in the name of his son and when the same was questioned by his daughters and his grand children, they picked up quarrel and attacked the deceased Veerasamy with stones, due to which, he died. He would further submit that the petitioners had motive to do away with the deceased as he has not settled his properties in their favour.

5. Heard both sides and perused the material placed on record.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that it is a family dispute and considering the period of incarceration suffered by the petitioners, 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 a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.1, Ulundurpet and on further conditions that;

(b) 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;

(c) the petitioners on their release from prison shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

(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 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
23/11/2020

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,
NO.I, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE
ULUNDURPET POLICE STATION,
ULUNDURPET TALUK,
VILLUPURAM DISTRICT.

+1 CC to Mr.S.Saravanakumar Advocate on payment of necessary charges SR.No.7747

CRL OP.18359/2020

Date :23/11/2020