

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 19179 of 2020

Nanneaba

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Tiruvainallur Police Station,
Villupuram District.
Crime No.1681 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1221 of 2020, on the file of the respondent police.

For Petitioner : Mr.N.Ranjith Kumar

For Respondent : Mr.T.Shunmugarajeswaran
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 02.11.2020 for the offences punishable under Sections 147, 341, 120 (B), 302, 34 of I.P.C., in Crime No. 1681 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is that the petitioner got 3 wives whereas there was some property dispute between the petitioner and the second wife's son. With regard to the same, she has lodged a complaint before the respondent/Police on 31.10.2020. Therefore, both the petitioner and son of the second wife appeared for enquiry before the respondent/Police. Enquiry was conducted and both the parties are advised to approach the civil Court because the nature of dispute is civil in nature. Thereafter deceased was assaulted by A.1 to A.4 and succumbed to death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is aged about 86 years and he has got 3 wives employed in Middle East, now due to pandemic come down to Native looking after his agricultural land. The dispute arisen between the son of the first wife and the son of the second wife. The petitioner was not aware of the dispute between them and he is falsely implicated in the

4.The learned Government Advocate would submit that there was a property dispute between the petitioner and the second wife's son, due to which the petitioner conspired in eliminating the deceased. Hence, as per the plan, attacked the deceased and ran away. He further submitted that in this case A.1 to A.4 have attacked the deceased with deadly weapons and so far A.1 to A.10 have been arrested and other accused were absconding and investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5.Mr.G.Bala Manikantan, learned counsel for the Intervenor would submit that the petitioner has been recently arrested on 01.11.2020 and that four more accused yet to be arrested. He further submitted that all the accused together conspired and murdered the deceased. He would also submit that there arose a property dispute and an enquiry was conducted. After enquiry, when the deceased was returning home, he was assaulted by the accused engaged by the petitioner.

6.Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsels and also considering the age of the petitioner and that period of incarceration by the petitioner, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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 petitioner shall report before respondent police everyday at 10.30 a.m., until further orders.

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

04/12/2020

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.II, ULUNDURPET

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, ULUNDERPET

CC to M/S.N.RANJITH KUMAR Advocate on payment of necessary charges

CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary charges Sr.7924

CRL OP.19179/2020

Date :04/12/2020

RVR 08/12/2020