

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10050 of 2021

R.Ramesh

... Petitioner

Vs.

State: rep. by Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
Cr. No.588 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioner, for arrested by the respondent police in Crime No.588 of 2021 dated 24.03.2021 on the file of the respondent police, pending disposal of PRC. No.18 of 2021 on the file of the learned Judicial Magistrate-I, Villupuram.

For Petitioner : Mr.K.Krishnan

For Respondent : Mr.E.Raj Thilak,
Government Advocate (Cr1.side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody for the offence punishable under Section 302 of IPC in Crime No.588 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased and the accused are adjacent property owners. Due to previous enmity, the petitioner and the deceased with regard to the land dispute between them on 24.03.2021, the accused attacked the deceased with axe. Due to which he sustained injury on his forehead, left and right side of the head and sustained grievous injuries and died.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the deceased are adjacent land owners and there was land dispute between them. Due to wordy quarrel on the date of occurrence, the petitioner attacked the deceased with axe. The petitioner was arrested and remanded to judicial custody on 25.03.2021. Now, the respondent completed investigation and filed final report and pending for committal in PRC.No.18 of 2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is the sole accused. Due to the property dispute between them, the petitioner attacked the deceased with axe and due to which he sustained grievous injuries and died. The respondent completed investigation and also filed final report, which is pending for committal in PRC.No.18 of 2021 on the file of the Judicial Magistrate-I, Villupuram. He further submitted that if the petitioner is released on bail, there would be retaliation murder since the age of the deceased is only 37 years old. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner is the sole accused. Due to land dispute between the petitioner and the deceased, the petitioner attacked the deceased with axe. Due to which, he sustained grievous injuries and died. The petitioner is incarcerating imprisonment from 25.03.2021. Now the respondent completed investigation and also filed final report and it is pending for committal in PRC.No.18 of 2021 on the file of Judicial Magistrate-I, Villupuram. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen 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.

[c] the petitioner shall stay at Thoothukudi and report before the Inspector of Police, Tuticorin Central Police Station, Thoothukudi daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
09/06/2021

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 VACATION SESSIONS JUDGE,
VILLUPURAM SESSIONS DIVISION,
VILLUPURAM.

2 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

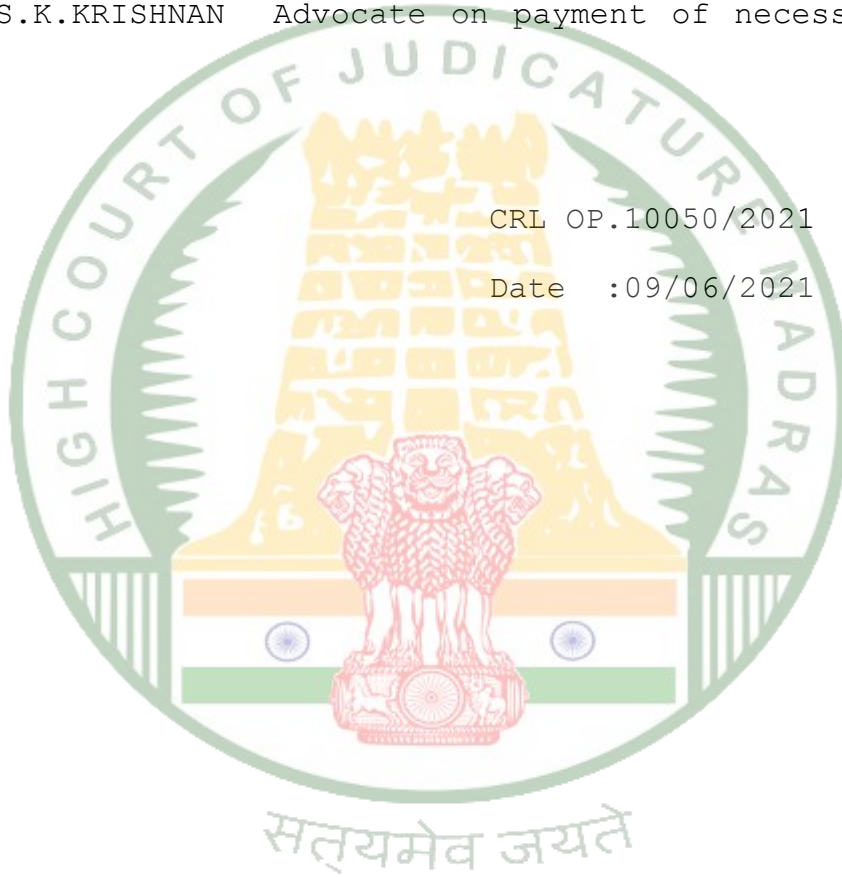
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
VILLUPURAM TALUK POLICE,
VILLUPURAM.

7 THE INSPECTOR OF POLICE,
TUTICORIN CENTRAL POLICE STATION,
THOOTHUKUDI.

+1 CC to M/S.K.KRISHNAN Advocate on payment of necessary charges
SR.No.6413

cs 10/06/2021



CRL OP.10050/2021

Date :09/06/2021

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