



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23828 of 2021

Tamilselvam

...Petitioner

Vs.

The Inspector of Police
Vedaranyam Police Station,
Nagapattinam District
(Crime No.641 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.641 of 2021 on the file of the Inspector of Police, Vedaranyam Police Station, Nagapattinam District

For petitioner : Mr.N.Palanivel

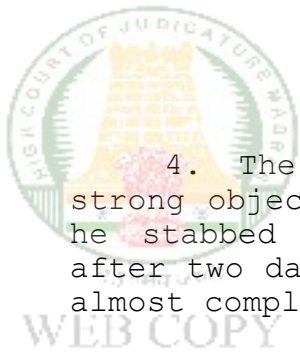
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 22.10.2021 for the offence under Sections 294 (b), 324, 506(ii) @ 302 IPC, in Crime No.641 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner and the de facto complainant are brothers and that after the death of their father and with regard to the division of property, there was a dispute between them, the defacto complainant refused to give the share left by their father to the petitioner and due to that the petitioner stabbed the de facto complainant with the broken bottle and sustained injuries and subsequently, he died in hospital. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has no motive to kill the deceased and the petitioner has been suffering incarceration for more than 45 days from 22.10.2021 and hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner is the sole accused and he stabbed the deceased and immediately he was hospitalized and after two days he died and further submits that the investigation is almost completed.

5. Considering the nature of allegation against the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 District Munsif cum Judicial Magistrate, Vedaranyam, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during trial;

(e) 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. Further, as per FIR, the petitioner caused death to his own brother due to property dispute. Thereby, the accused have been charged for the offences under Sections 294 (b), 324, 506(ii) @ 302 of IPC. On considering the nature of occurrence, this Court recommends that it is a fit case to refer, as per 357(A) (1) (2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Nagapattinam District, is hereby directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as interim compensation to the wife of the deceased, in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order.



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

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-sd/-
09/12/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

1 THE CHAIRMAN
LEGAL SERVICES AUTHORITY,
NAGAPATTINAM DISTRICT.

2 THE SECRETARY,
LEGAL SERVICES AUTHORITY,
NAGAPATTINAM DISTRICT.

3 THE LEGAL SERVICES AUTHORITY,
NAGAPATTINAM DISTRICT.



4 THE SECRETARY.
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

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+1CC to M/S.N.PALANIVEL Advocate on payment of necessary
charges SR.NO.14368

CRL OP.23828/2021

Date :09/12/2021

CSK 09/12/2021