



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.10879 of 2022

1 SIVAN

[PETITIONERS / ACCUSED]

2 MURUGAN

3 TAMILSELVAN

4 TAMILARASAN

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

BOMMIDI POLICE STATION,

DHARMAPURI DISTRICT.

CRIME NO.82/2022

For Petitioner : M/S. V.SAKKARAPANI Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were remanded to judicial custody for alleged offence under Sections 447, 294(b), 324, 302 IPC in Crime No.82 of 2022 on the file of the respondent police, seek bail. The first petitioner was arrested and remanded to judicial custody on 05.04.2022 and the other petitioners surrendered before the Magistrate Court and were remanded to judicial custody on 08.04.2022.

2. The case of the prosecution was that the petitioners and the family of the deceased were distant relatives and there was some previous enmity. On 04.04.2022 at about 6.00 p.m., there was some wordy quarrel during the funeral procession. As a sequel, the petitioners went to the agricultural lands of the deceased and



attacked him with wooden logs all over his body. The deceased was badly injured and he was rushed to the Government Hospital, Dharmapuri. He died on 05.04.2022.

3. Learned counsel for the petitioners submitted that even as per the case of the prosecution, the entire incident had taken place in the spur of the moment and the petitioners are not habitual offenders. Learned counsel further submitted that the first petitioner has been kept under incarceration from 05.04.2022 and other petitioners are suffering incarceration from 08.04.2022. It was further submitted that the petitioners are willing to cooperate with the investigation and are willing to abide by any conditions imposed by this Court.

4. Per contra, learned Government Advocate (Criminal Side) submitted that the deceased was attacked by all the petitioners with wooden logs and there was overt act against all the petitioners. Learned Government Advocate (Criminal Side) further submitted that the investigation is pending and hence sought for dismissal of this petition.

5. This Court, after carefully considering the submissions made on either side and the materials available on record, is of the opinion that the entire incident had taken place due to previous enmity between the parties which reached its crescendo on the fateful day during a funeral procession. This is not a case of pre-planned murder and the petitioners have been driven to attack the deceased due to the incident that took place on 04.04.2022 and their reaction seems to be more influenced by anger. The petitioners have already suffered incarceration for nearly 45 days and 42 days respectively. In the considered view of this Court, the petitioners can be granted bail by subjecting them to stringent conditions since the investigation is yet to be completed.

6. Accordingly, the petitioners are ordered to be released on bail on each of them 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 learned Judicial Magistrate, Pappireddipatti, 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 petitioners shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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

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

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.SAKKARAPANI Advocate on payment of necessary charges SR.NO. 7114

CRL OP.10879/2022

Date :18/05/2022

RW 18/05/2022