



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.11370 of 2022

1 MURUGAN

[PETITIONERS / ACCUSED]

2 LAKSHMANAN

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.62 OF 2022)

For Petitioner : M/S.M.JAYACHANDRAN Advocate

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

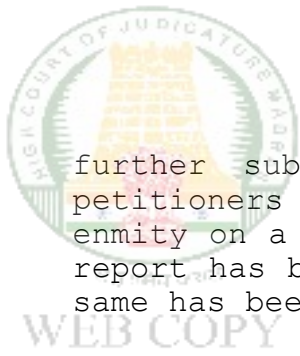
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody on 28.03.2022 for alleged offence under Sections 294(b), 324, 506(ii) IPC @ 302 IPC in Crime No.62 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was some property dispute between the petitioners and the deceased and while so on 27.03.2022, the petitioners are said to have attacked the deceased with stone on his head. The deceased who was aged about 50 years subsequently died and the FIR was altered and the offence under Section 302 IPC was also added.

3. Learned Government Advocate (Criminal Side) submitted that the deceased suffered head injuries and he died due to the attack by the petitioners with stone. Learned Government Advocate (Criminal Side)



further submitted that there are no previous cases against the petitioners and the incident had taken place only due to the previous enmity on a property dispute. It was further submitted that the final report has been laid before the concerned Court on 29.04.2022 and the same has been taken on filed in PRC No. 4 of 2022.

4. Learned counsel for the petitioners submitted that the petitioners have suffered incarceration for more than 50 days. It was further submitted that the petitioners will comply any conditions imposed by this Court.

5. In the considered view of this Court, the entire incident had taken place in the spur of the moment and it is not a case of pre-meditated murder. That apart, the investigation has been completed and final report has already been filed. There are no previous cases against the petitioners. Hence this Court is inclined to enlarge the petitioners on bail by imposing certain conditions.

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 District Munsif cum Judicial Magistrate, Pochampalli 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 District Munsif cum Judicial Magistrate, Pochampalli on every Monday at 10.30 a.m., and also on the hearing dates, 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.

WEB COPY

-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI.

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

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO. 7159

CRL OP.11370/2022

Date :18/05/2022

RW 18/05/2022