



WEB COPY



Crl.O.P.No.22887 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.22887 of 2022

Hemnath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Valavandhinadu Police Station,
Namakkal District.

(Crime No.69 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.69 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side).



WEB COPY



Crl.O.P.No.22887 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Section 302 IPC, in Crime No.69 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the property dispute the petitioner along with the other accused, assaulted the victim, who is the father of the first accused and had committed murder on him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the Nephew of the deceased. He would further submit that the first accused, who is the son of the deceased was having dispute with the deceased on account of the property being given to the deceased's second wife and due to the same, while the de-facto complainant and the deceased were coming in a four wheeler, they dashed against the two wheeler driven by the petitioner, due to which, the petitioner sustained with serious head



Crl.O.P.No.22887 of 2022

injuries. He would also submit that during the quarrel, the first accused had attacked the victim and committed murder on him and even as per the First Information Report, there is no specific overt act attributed as against the petitioner. He would further submit that due to the serious head injury the petitioner was admitted in the hospital for two days as in-patient. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a relative to the deceased and the other accused. He would further submit that there was a dispute on account of settling the property in favour of his second wife, between the victim/deceased and the first accused and due to which, the first accused assaulted the victim with knife and committed murder. He would also submit that present petitioner has abetted the first accused to commit murder. He would also submit that the deceased, who had driven the four wheeler, dashed against the petitioner and due to which, the petitioner also suffered severe injuries, for which there is a case in counter registered in Crime No.70 of 2022. He would further submit that there is no previous case



Crl.O.P.No.22887 of 2022

as against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that there is no specific overt act as against the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sendamangalam, Namakkal District**, and on further conditions that:



CrI.O.P.No.22887 of 2022

WEB COPY

[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 stay at Chennai and report before the Inspector of police, North Beach Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 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]**;



WEB COPY



CrI.O.P.No.22887 of 2022

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

26.09.2022

ham

To

1. The Judicial Magistrate,
Sendamangalam, Namakkal District.
2. The Inspector of Police,
Valavandhinadu Police Station,
Namakkal District.
3. The Central Prison,
Salem District.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.22887 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.22887 of 2022

26.09.2022