



Crl.O.P.Nos.23490 & 23494 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

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Sakthi ... Petitioner in Crl.O.P.No.23490 of 2022

Govindhan @ Govindharaj ... Petitioner in Crl.O.P.No.23494 of 2022

Vs.

The State represented by,
The Inspector of Police,
Ambalur Police Station,
Tirupattur District.
(Crime No.116 of 2022)

... Respondent in both Crl.O.P.s'

Common Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with Crime No.116 of 2022, on the file of the respondent Police.

In both Crl.O.P.s'

For Petitioner : Mr.A.Vijayakumar

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



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.07.2022 and 25.07.2022 respectively, for the offences punishable under Sections 294(b), 324 & 506(ii) of IPC @ 294(b) & 302 of IPC, in Crime No.116 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity on account of property dispute, the petitioners, who are the cousins of the deceased had committed the murder of the deceased by attacking him with wooden logs. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given as against them due to previous enmity on account of property dispute. He would also submit that the fact remains that the deceased and 3 others in inebriated condition, attempted to snatch the chain of the mother of the petitioners and there was a scuffle and during such time, the victim has fallen down and sustained injuries and passed away. Based on the complaint given



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by the petitioners' side, a case in Crime No.118 of 2022 has been registered as against the deceased and 3 others. He would further submit that the petitioners have no previous case as against them and they are also prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that on account of previous enmity due to property dispute, the petitioners had assaulted the deceased, who is their paternal uncle's son with wooden logs, resulting in him sustaining injuries and dying on the spot. He would further reiterate that based on the complaint given by the petitioners' side, a case in Crime No.118 of 2022 was registered as against the deceased for the offences punishable under Sections 294(b), 324 and 379 of IPC. Therefore, he vehemently opposed to grant bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioners and that it is the case and a case in counter, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Court, Vaniyambadi, Tirupattur District**, 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 stay at Sivagangai and report before the Inspector of Police, Town Police Station, Sivagangai District, daily at 10.30 a.m., until further orders;



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

[d] the petitioners 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 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate Court,
Vaniyambadi, Tirupattur District.
2. The Inspector of Police,
Ambalur Police Station,
Tirupattur District.
3. The Superintendent,
Central Prison,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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