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Crl.O.P.No.24539 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24539 of 2022

1. Rajkumar

2. Dinesh

... Petitioners

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.,
pleaded to enlarge the petitioners on bail, in Crime No.69 of 2022, pending
investigation on the file of the respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

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



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CrI.O.P.No.24539 of 2022

ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.08.2022 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 petitioners along with the other accused, assaulted the victim, who is the father of the first petitioner and had committed murder on him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the first petitioner/A1 is the son of the deceased, who was having dispute with the deceased on account of the property being given to the deceased's second wife and due to the same, there was a scuffle, due to which, one of the accused sustained serious head injuries. He would also submit that during the quarrel, the deceased and his second wife tried to attack the petitioners and the petitioners have defended them. He would further submit that due to the serious head injury the fourth accused was



Crl.O.P.No.24539 of 2022

admitted in the hospital for two days as in-patient and a case in Crime No.70 of 2022 was registered against them. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner is the son of the deceased. 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 the second petitioner and the other accused have abetted the first petitioner/ A1 to commit murder. He would also submit that the deceased, who had driven the four wheeler, dashed against the fourth accused and due to which, he 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 as against the petitioners. However, he opposed for grant of bail to the petitioners.



Crl.O.P.No.24539 of 2022

WEB COPY

5. Heard the learned counsel for the petitioners 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 petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sendamangalam, Namakkal 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;



Crl.O.P.No.24539 of 2022

[b] the petitioners 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 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.

11.10.2022

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Crl.O.P.No.24539 of 2022

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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.



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Crl.O.P.No.24539 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.24539 of 2022

11.10.2022