



Crl.OP.No.24834 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.O.P.No.24834 of 2022

S.Rudrappa

... Petitioner

Vs.

State rep. By,
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

(Crime No.208/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.208 of 2022 on the file
of the respondent.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Section 302 of IPC in Crime No.208 of 2022, on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the petitioner, who is the elder brother of the deceased/victim, on account of the family dispute regarding the partition of the properties between the brothers, had assaulted the victim with bamboo stick, due to which, he died. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is none other than the elder brother of the deceased and there exist a property dispute between them. He would further submit that on 21.08.2022, during the dispute, this incident had happened at the spur of the moment and the petitioner has no intention or motive to commit murder of his brother. He would submit that the petitioner is in custody from 22.08.2022. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to the previous enmity regarding the dispute over the partition of property, the petitioner had assaulted the victim on his head with bamboo stick and committed fratricide. He would also submit that the investigation is pending. Hence, he oppose for grant of bail to the petitioner.

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

6. Taking into consideration of the submission of the learned Counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



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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 District Munsif cum Judicial Magistrate, Denkanikottai**, 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 petitioner shall stay at Chennai and report before the Inspector of police, North Beach Police Station, everyday at 10.30 a.m. and 05.30p.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



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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.

14.10.2022

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To

1. The District Munsif cum Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
3. The District Prison,
Dharmapuri.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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