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Crl.O.P.No.25557 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25557 of 2022

1. Munusamy

2. Naveen Kumar @ Naveen

... Petitioners

Vs.

State rep. by,

The Inspector of Police,

Thoppur Police Station,

Dharmapuri District.

(Crime No.187 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioners on bail in connection with Crime No.187 of
2022 on the file of the respondent Police.

For Petitioners : Mr.V.Sakkarapani

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.08.2022, for the offences punishable under Sections 427, 294(b), 324 & 307 of IPC @ 427, 294(b), 302 of IPC, in Crime No.187 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on account of land dispute, the petitioners, who are the adjacent land owners, had committed the murder of the deceased by attacking him with reaper sticks. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a complaint has been given only based on suspicion as there was previous enmity between the petitioners and the defacto complainant's husband on account of property dispute. He would also submit that even as per the complaint, the defacto complainant is only a hearsay witness to the occurrence. He would further submit that initially a case was registered for the offence punishable under Sections 427, 294(b),



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324 & 307 of IPC and since, the victim succumbed to injuries on the next day, the case has been altered to one under Sections 427, 294(b), 302 of IPC. He would also state that there are no previous cases as against the petitioners and that they are in custody from 05.08.2022. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the defacto complainant is the wife of the deceased and there was previous enmity between the defacto complainant's husband and the petitioners on account of a property dispute. While so, on 04.08.2022, the accused had waylaid the deceased and assaulted him resulting in him sustaining injuries and he was taken to the hospital and where he succumbed to injuries on the next day. He would further submit that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioners.

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



record including the first information report.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioner 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 No-II, Dharmapuri**, 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, daily at 10.30 a.m., and 05.30 p.m., until further orders;

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



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High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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