



Crl.O.P.No.26104 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC @ Section 302 of IPC, in Crime No.226 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Purushothaman is that he is working in a rice mill and that the accused had frequent quarrel with father and younger brother of the defacto complainant, on account of land dispute. While so on 04.09.2022 at about 5.00 p.m., when the father of the defacto complainant had gone to his agricultural land for watering it. At that time, one Chinnakannu s/o Manikkam, the first petitioner herein had quarrel with the father of the defacto complainant and during the quarrel, his wife/ Shanthi and his son/Dasarathan had abused the father of the defacto complainant, during such time, the father of the defacto complainant had hit the second petitioner and assaulted her with wooden log, he had also attempted to



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assault the son of the first petitioner. At that time, the son of the first petitioner secured the wooden log from the father of the defacto complainant and assaulted him on the head, due to which, he had sustained injuries, three arteries on the head were affected and thereby, he was admitted in the hospital. On the complaint given by the defacto complainant, a case in Crime No.226 of 2022 has been registered for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC. Later, the victim succumbed to the injury after three days and the case was altered to Section 302 of IPC. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and even as per the complaint, the deceased is the aggressor and he had assaulted the second petitioner with wooden log, due to which, she had sustained injuries on the head and only thereafter, the son of the second petitioner had assaulted the deceased. He would further submit that the incident has happened during a quarrel, there is no intention on the part of the petitioners to commit murder of the deceased. He would submit that the main accused



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Dasarathan has been arrested and enlarged on bail by this Court in Crl.O.P.No.26429 of 2022 on 01.11.2022. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners and the defacto complainant are close relatives. During the quarrel in respect of watering the land, the petitioners' son/Dasarathan had assaulted the father of the defacto complainant, due to which, he had sustained injuries and admitted in the hospital and he died after three days. He would also submit that the main accused Dasarathan, who has inflicted injuries for the deceased has been arrested and enlarged on bail. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.The learned counsel for the intervenor would submit that the petitioners are respectively father and mother of the said Dasarathan. He would also submit that the said Dasarathan on the instigation of the petitioners had attacked the father of the defacto complainant, due to



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which, he sustained injuries and died. Hence, he opposed for grant of anticipatory bail to the petitioners.

6.In reply, the learned counsel for the petitioners would submit that the father of the defacto complainant who is the aggressor had assaulted the second petitioner with wooden log, due to which, she had sustained injuries on the head and she also admitted in the hospital as in-patient. He would further submit that on the complaint given by the second petitioner, a case in Crime No.227 of 2022 has been registered against the father of the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record.

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



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Maduranthakam on condition that each of the petitioners shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 Virudhachalam and report before the Inspector of Police, Virudhachalam Town Police Station, daily at 10.30 a.m and 5.30 p.m., for a period of 30 days and



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thereafter, report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC;

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