



Crl.O.P.No.26429 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26429 of 2022

Dhasarathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Melmaruvathur Police Station,
Chengalpattu District.

(Crime No.226/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.226
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Selvaraj

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 05.09.2022 for the offences punishable under Sections 294 (b), 323, 324, 506(ii) of IPC @ Section 302 IPC, in Crime No.226 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.09.2022, due to the property dispute, the petitioner along with the other accused, who are the relatives of the de-facto complainant's father/victim, quarrelled with the victim, during which, the accused abused the victim and assaulted him with stick on his head and caused grievous injuries, due to which, the injured has been taken to the hospital. Whereas, on 07.09.2022, the victim died in the hospital. Based on the complaint given by the de-facto complainant, a case in Crime No.226 of 2022 has been registered for the offence under Sections 294 (b), 323, 324, 506(ii) of IPC and later it was altered to one under Section 302 IPC. Hence, the case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has no intention or motive to commit murder of the victim. He would further submit that even as per the complaint, the alleged occurrence is stated to have been occurred during the quarrel and the petitioner is stated to have assaulted the victim with stick and no weapons have been used. He would also submit that the incident had happened at the spur of the moment and the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. He would also state that the petitioner is in custody from 05.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on account of the land dispute, the accused who are the relative of the deceased, have assaulted the victim on his head with sticks, due to which, he suffered grievous injuries and he was admitted in hospital, but unfortunately, after two days of the occurrence on 07.09.2022, the victim died. He would also submit that the investigation is pending and he oppose for grant of bail to the petitioner.



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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 the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Judicial Magistrate No.II, Maduranthagam**, 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;



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[b] the petitioner shall stay at Dindigul and report before the Inspector of Police, Dindigul Town Police Station, every day at 10.30 a.m., and 5.30 p.m., until further orders;

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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To

1. The Judicial Magistrate No.II,
Maduranthagam.
2. The Inspector of Police,
Melmaruvathur Police Station,
Chengalpattu District.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Dindigul Town Police Station,
Dindigul District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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