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CrI.O.P.No.28173 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

CrI.O.P.No.28173 of 2022

1.Manikandan
2.Sakthivel
3.Annakili

...Petitioners

Vs.

The State Rep by,
Inspector of Police,
Thanipadi Police Station,
(Cr. No.357/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Cr.No.357 of 2022, on the file of
the respondent police.

For Petitioners : Mr.T.Elumalai

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)



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CrI.O.P.No.28173 of 2022

ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.09.2022 for the offences punishable under Section 302 of IPC, in Crime No.357 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Amutha, who is the daughter of the deceased, is that the 1st & 2nd petitioners are her brothers and the 3rd petitioner is her mother. Her father had borrowed several amounts from various persons. He also had illicit intimacy with yet another woman, thereby there was quarrel between her brothers, mother and father. During such time, her brothers and mother have assaulted her father during a scuffle. Due to which, the deceased had fallen down and died on the spot. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are none other than the sons and wife of the deceased. The deceased had borrowed money from several persons and he was having illicit intimacy with another woman. He had attempted to settle the ancestral



Crl.O.P.No.28173 of 2022

property in the name of the paramour and there was a scuffle. During such time, the incident has happened. The petitioners didn't had any intention to commit the murder of the deceased and the incident had happened during a grievous provocation. He would further submit that the petitioners are under custody from 23.09.2022 and they do not have any criminal intentions. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners are respectively the sons and wife of the deceased. The deceased had borrowed several amounts from various persons and had illicit intimacy with another woman, thereby there was quarrel between petitioners and the deceased. On the date of occurrence, there was a scuffle between the petitioners and the deceased, wherein the deceased had fallen down and died on the spot. Hence, he vehemently opposed to grant bail to the petitioners.

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



CrI.O.P.No.28173 of 2022

WEB COPY

6. Taking into consideration the facts and submissions made by the learned counsel, 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) with **two sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate, Thandarampattu, Thiruvannamalai 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.

[b] the petitioners shall report before the respondent police 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.



Crl.O.P.No.28173 of 2022

WEB COPY

[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.

17.11.2022

mpl



WEB COPY



Crl.O.P.No.28173 of 2022

A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate Thandarampattu,
Thiruvannamalai District.
2. The Inspector of Police,
Thanipadi Police Station.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28173 of 2022

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