



Crl.O.P.No. 31997 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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1. Thirumalai,
S/o. Muniappan

2. Prasanth,
S/o. Anbalagan

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri Dt.
(Crime No.136 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.136 of 2022 on the file of respondent police.



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For Petitioners : Mr.V.Sakkarapani
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The 1st petitioner was arrested on 26.10.2022 and the 2nd petitioner was arrested on 27.10.2022 for the alleged offence under Section 302 of I.P.C. in Crime No.136 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased person is husband of A2 and there is a land dispute between the 1st wife family and defacto complainant's family. On 18.10.2022 at about 06.00 a.m., the defacto complainant's husband went out for work and thereafter he did not return back to home. However, at about 7.45 p.m. driver of Sriram Matriculation School, Kambainallur informed her that her husband died near mango thottam. Immediately, she went to the place of occurrence and saw her husband died due to cut injuries on the head and neck. Hence, the complaint.



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grant bail to the petitioners.

5. So far as the 1st petitioner is concerned, considering the fact that based on the contention of petitioner, A1 is son of deceased first wife and he wanted to cause death of father due to a land dispute, thereby, he is the root-cause for the occurrence, this court is not inclined to grant bail to the 1st petitioner.

6. Considering the fact that the investigation is almost completed, and also the fact that the specific overtact against the petitioner is that he accompanied A1 and he is custody for more than 56 days, and considering the period of incarceration undergone by the 2nd petitioner, this Court is inclined to grant bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd petitioner is ordered to be released on bail on executing his separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the



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learned Addl. Mahila Court, 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 2nd petitioner shall stay at Dindigul and report before the Town Police Station, Dindigul daily at 10.30 a.m. for the period of eight weeks and thereafter on every Saturday at 10.30 a.m. for another period of eight weeks.

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd 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 2nd petitioner in accordance with law as if the



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conditions have been imposed and the 2nd 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

23.12.2022

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To

- 1.The Addl. Mahila Court, Dharmapuri.
- 2.The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri Dt.
3. The Superintendent
District Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court, Madras



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T.V.THAMILSELVI, J.

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