



Crl.O.P.No.313 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.01.2023

CORAM :

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

Crl.O.P.No.313 of 2023

Thirumalai,
S/o.Muniappan

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.136 of 2022 pending on the file of respondent police.

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



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CrI.O.P.No.313 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.10.2022 for the alleged offence under Section 302 I.P.C. in Crime No.136 of 2022 on the file of the respondent police, seeks bail.

2. The case of 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 was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and with an intention to put him behind the bar. He would submit that he is no way connected with



Crl.O.P.No.313 of 2023

WEB COPY

the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 77 days from 26.10.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are five accused and the petitioner is arrayed as A1. He would submit that A1 and A2 are son and wife of deceased and the defacto complainant seems to be second wife, and due to family dispute, the occurrence was happened. He would submit that the petitioner is the root cause of occurrence. He would submit that there is no previous case pending against the petitioner and co-accused were released on bail. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.313 of 2023

WEB COPY

5. Considering the above facts and circumstances, and also considering the fact that there is no previous case against the petitioner and co-accused were released on bail and also the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Additional 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



CrI.O.P.No.313 of 2023

WEB COPY

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months and thereafter on every Saturday at 10.30 a.m. for another period of three months ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

12.01.2023

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CrI.O.P.No.313 of 2023

WEB COPY

To

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



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Crl.O.P.No.313 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 313 of 2023

12.01.2023