



Crl.O.P.No.1061 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) and 302 of IPC in Crime No.251 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the deceased and the 2nd petitioner's husband one Ramakrishnan are own brother, and there is a property dispute prevailed between both the families. Further, when the deceased was out of station, the said Ramakrishnan cut the coconut trees belongs to the deceased. When the same was questioned by the deceased, the said Ramakrishnan along with others abused the deceased with filthy words, assaulted him using wooden log, and caused grievous injuries. Later, the deceased was died in the hospital. Hence, the complaint.



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3. The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the deceased and the 2nd petitioner's husband one Ramakrishnan are own brother, and there is a property dispute prevailed between both the families. Further, when the deceased was out of station, the said Ramakrishnan cut the coconut trees belongs to the deceased. When the same was questioned by the deceased, the said Ramakrishnan along with others abused the deceased with filthy words, assaulted him using wooden log, and caused grievous injuries. He further submitted that even though the petitioners were not present at the time of occurrence, these petitioners were instigated the other accused to do away the deceased life. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. The learned counsel for the Intervenor submitted that this is a case of murder. It is alleged, due to land dispute, the other accused were abused the deceased brutally assaulted him using knife, caused grievous injuries, due to which, the deceased died in the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel and also the petitioners are ready and willing to pay a sum of Rs.1,00,000/- to the credit of Crime Number 251/2022, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Thirukazekudram, Chengalpet District** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees



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Ten 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 and on further condition that:

(a)the petitioners are directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakhs Only)** to the credit of ***Crime No.251 of 2022***, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall stay at Karur and report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness



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either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]*; and;

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

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