



Crl.O.P.No.756 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.756 of 2023

Sanjeeve Gandhi,
S/o.Ramasamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Bangalapudur Police Station,
Erode Dt.
(Crime No.396 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.396 of 2022 pending on the file of respondent police.

For Petitioner : Mr.P.Thinesh

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



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Cr.O.P.No.756 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.11.2022 for the alleged offence under Section 302 I.P.C. in Crime No.396 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 24.11.2022, due to a property dispute, there was a wordy quarrel between brothers, in which, the petitioner said to have assaulted his brother on his chest with hands and legs, thereby he fell down and died. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that there is no specific overtact attributed against the petitioner and he is no way connected with 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 that may be 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 48 days from 24.11.2022. Hence,



Crl.O.P.No.756 of 2023

he prayed to grant bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is the sole accused and due to a property, the petitioner attacked his brother on his chest with hands and legs, due to which, he died. He would submit that there is no previous case pending against the petitioner. 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.

5. Considering the above facts and circumstances, and also considering the fact that there is no previous case against the petitioner and also the fact that due to property dispute, there was a wordy quarrel between brothers, thereby the alleged occurrence happened and 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:



CrI.O.P.No.756 of 2023

WEB COPY

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 Judicial Magistrate No.1, Gobichettipalayam**, 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;

(b) the petitioner shall report before the respondent police on alternative days at 10.30 a.m. for the period of two 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



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Crl.O.P.No.756 of 2023

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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To

1. The Judicial Magistrate No.1, Gobichettipalayam.
2. Inspector of Police,
Bangalapudur Police Station, Erode.
3. The Superintendent of Prison,
Central Prison, Erode,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.O.P.No.756 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 756 of 2023

12.01.2023