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Crl.O.P.No. 1008 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on **21.11.2022** for the offence under **Sections 294(b), 324, 307, 302 and 34 of IPC** in Crime No.665 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased is own brother of 1st petitioner/A1. With regard to division of property on the alleged date of occurrence, there was a wordy quarrel between the defacto complainant and petitioners, thereby both have attacked each other, in which the petitioners said to have attacked him iron rod, resulting in which, deceased sustained injuries and subsequently died. Hence, the complaint.

3. The learned counsel for the petitioners submitted that this is the second petition seeking for bail before this court. He would submit that



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they have not at all committed any offence as alleged by the respondent police and they are no way connected with the occurrence. He would submit that earlier, the petitioners were attacked by the defacto complainant and they gave a complaint, which was registered in Crime No.666 of 2022, as a counterblast, the present complaint has been filed. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 21.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that it is a case of murder, in which, the petitioners are arrayed as A1 and A2. He would submit that with regard to division of property, there was a wordy quarrel between them, thereby they attacked the deceased with iron rod, in which he sustained injuries and died. He would submit that this is the second petition seeking for bail and it is a case in counter. He would also submit that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.



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6. Considering the facts and circumstances of the case and the submissions made by both counsel and also the fact that both the accused have entered into house of deceased, who is none other than own brother of 1st accused, and attacked him with deadly weapons, thereby he sustained serious injuries and died and also considering the fact that there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

19.01.2023

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