



Crl.O.P.No.3150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2023

CORAM :

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

Crl.O.P.No.3150 of 2023

1. Sriram,
S/o. Govindaraj

2. Chitra,
W/o. Sriram

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Neyveli Township Police Station,
Cuddalore.
(Crime No.665 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.665 of 2022 on the file of respondent police.

For Petitioners : Mr.S.C.Vizhwanth

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



WEB COPY



CrI.O.P.No.3150 of 2023

ORDER

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 deceased with 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 third petition seeking for bail before this court. He would submit that the petitioners have went to house of deceased only for a amicable talk, in



Crl.O.P.No.3150 of 2023

WEB COPY

turn the deceased and his wife aroused for partition and they assaulted and attacked the petitioners, thereby a case was also registered in Crime No.666 of 2022, as a counter blast, the present complaint has been filed. He would submit that 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 further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 83 days 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 third 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.



CrI.O.P.No.3150 of 2023

WEB COPY

5. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and on the date of occurrence, there was a wordy quarrel between family members, thereby the petitioners attacked deceased with iron rod, resulting in which, he sustained serious injuries and he died and the alleged occurrence happened and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are 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, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Neyveli**, 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 petitioners shall stay at Dharmapuri and report before the Town Police Station, Dharmapuri daily at 10.30 a.m. for the period of six months and thereafter, they



Crl.O.P.No.3150 of 2023

WEB COPY

shall report before the respondent police on every Saturday at 10.30 a.m. for another period of six months;

(c) the petitioners shall not leave India without consent of court concerned.

(d) the petitioners shall not commit any offences of similar nature;

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

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

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

13.02.2023

rpp



Crl.O.P.No.3150 of 2023

To
WEB COPY

1. The District Munsif cum Judicial Magistrate
Neyveli.
2. Inspector of Police,
Neyveli Township Police Station,
Cuddalore.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.3150 of 2023

T.V. THAMILSELVI, J.

rpp

Crl.O.P.No. 3150 of 2023

13.02.2023