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Crl.O.P.No.6942 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6942 of 2023

Ramesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mathur Police Station,
Krishnagiri District.

(Crime No.36 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.36 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was surrendered before the learned District Munsif cum Judicial Magistrate, Pochampalli on 24.01.2023, for the offence punishable under Sections 294(b), 307 of IPC @ 294(b), 302 of IPC, in connection with Crime No.36 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's grandfather owning 3 acres of land in his village and during his life time, he partitioned the same to his two sons, viz., A2 and de-facto complainant's father, husband of the deceased. While so, there was a dispute arose between them for irrigation of water from the common well, due to which, panchayatars intervened and partitioned the well between them. In continuation, on 23.01.2023, when A1 was ploughing her land, the same was prevented by the victim/mother of the de-facto complainant and A1 along with other accused joined together and threatened her. However, on the same day around 06.30 p.m., when victim was in her land, A1 proceeded to her and a wordy quarrel arose between them, during which, he abused the victim



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in filthy language and attacked her with wooden log on her head, due to which, she sustained bleeding injury and she was admitted in the hospital. Based on the complaint given by the de-facto complainant, a case in Crime No.36 of 2023 came to be registered for the offence under Sections 294(b), 307 of IPC and later, the victim died, without responding to the treatment in hospital, thereby, the case has been altered to one under Sections 294(b), 302 of IPC. Hence, the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and the incident is stated to have been taken place during the quarrel on account of the land dispute. He also submitted that there is no intention or motive on the part of the petitioner to commit murder of the victim and he also reiterated that the incident had happened during the quarrel. He further submitted that the co-accused in this case have been granted bail by this Court in Crl.O.P.No.5986 of 2023 vide order dated 21.03.2023 and also submitted that the petitioner was surrendered before the learned District Munsif cum Judicial Magistrate, Pochampalli on 24.01.2023 and he is in custody for more than two months. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent submitted that due to the previous dispute, with regard to the partition of property and enjoyment of a common well, there was a quarrel between the petitioner's family and the de-facto complainant's family members, during which, the petitioner (A1) along with other accused have abused and attacked the mother of the de-facto complainant with wooden log, due to which, she died. He further submitted that major part of the investigation is over and the charge sheet is yet to be filed. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Pochampalli**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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



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Court himself as laid down by the Hon'ble Supreme Court
in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

28.03.2023

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To

1. The District Munsif cum Judicial Magistrate,
Pochampalli.
2. The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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