



Crl.O.P.Nos.9147 & 9148 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.Nos.9147 & 9148 of 2023

1. D.Dilip Kumar

2. P.RajKiran

... Petitioners in Crl.O.P.No.9147 of 2023

D.Vinoth Kumar

... Petitioner in Crl.O.P.No.9148 of 2023

Vs.

The State represented by,
The Inspector of Police,
Ponneri Police Station,
Tiruvallur District.

(Crime No.117 of 2023).

... Respondent in all Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection with the Crime No.117 of 2023, pending investigation on the file of the respondent Police.

In both Crl.O.P.s.,

For Petitioners : Mr.M.Mohamed Riyaz

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



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody, for the alleged offences punishable under Section 302 of IPC, in Crime No.117 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the de-facto complainant/Deena Dhayalan, is that due to the existing property dispute, the accused have committed murder the de-facto complainant's brother-in-law, by assaulting him with stone, hands and also kicked him with legs. Hence the case.

3. Learned counsel appearing for petitioners submitted that the petitioners, who have completed their bachelor degree in Computer Science/ Pharmacy/Textile Engineering respectively, are innocent persons and they have been falsely implicated in this case. He further submitted that due to the existing land dispute, there was quarrel between the petitioners and the de-facto complainant and others, during which, the de-facto complainant's brother-in-law, in an inebriated condition, fell down and sustained injuries,



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whereas, the petitioners have been unnecessarily roped in this case. He also submitted that the petitioners in Crl.O.P.No.9147 of 2023 are in custody from 16.03.2023 & 11.03.2023 respectively and the petitioner in Crl.O.P.No.9148 of 2023 is in custody from 10.03.2023. He also submitted that the petitioners are prepared to abide by any other stringent conditions that may be imposed by this Court and they are also ready to stay far away from the jurisdictional limit of the respondent Police. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the existing land dispute, the petitioners have assaulted the brother-in-law of the de-facto complainant with stones and hands, resulting in which, he sustained grievous injuries and died. He also submitted that the investigation is still pending and therefore, he objected for grant of bail to the petitioners.

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



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

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate No.I, Ponneri, Tiruvallur**, 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 petitioners shall stay at Nagarcoil and report before the Kottar Police Station, everyday at 10.30 a.m., until further orders;

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

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



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[e] 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]***;

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

26.04.2023

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To

1. The Judicial Magistrate No.I,
Ponneri, Tiruvallur District.
2. The Inspector of Police,
Ponneri Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Kottar Police Station,
Nagarcoil.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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