



Crl.O.P.No.12591 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

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

Crl.O.P.No.12591 of 2023

Sivanandha

... Petitioner

Vs.

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

(Crime No.100 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.100 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.P.M.Jayachandran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.05.2023, for the offence punishable under Section 302 of IPC, in connection with Crime No.100 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Herisha is that on 09.05.2023, his uncle/petitioner herein, had taken his grand father/deceased to the field and his grand father did not come back and on the next day, he found that his grand father was lying dead near the fields with the neck slitted injuries. Based on his complaint, a case in Crime No.100 of 2023 was registered for the offence under Section 302 IPC. Later, during the course of investigation, it came to light that the petitioner, who is the son of the victim/deceased, along with his friends, on account of the property dispute, had taken his father to the field and had committed murder of him. Hence, the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is none other than the maternal uncle of the de-facto complainant and due to the existing property dispute between the petitioner and the de-facto complainant's family, the de-facto complainant had lodged a false complaint as against the petitioner. He also submitted that other than the allegation of the de-facto complainant that he has seen that the petitioner had gone along with his father, there is no material to show that the petitioner had committed murder of his father and there is no eye witness to the occurrence. He also submitted that even without conducting proper investigation, the respondent had arrested the petitioner and he is in custody from 09.05.2023. He further submitted that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case of patricide, where, due to the property dispute, the petitioner along with his friends, had committed murder of his own father by slitting his neck with knife. He also submitted that



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investigation in this case is pending. Therefore, he vehemently opposed for grant of 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 the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Hosur**, 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;



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[b] the petitioner shall stay at Tirunelveli and report before the Inspector of Police, Tirunelveli Town 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 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.

12.06.2023

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A.D.JAGADISH CHANDIRA.,J.



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To

1. The Judicial Magistrate No.I,
Hosur.
2. The Inspector of Police,
Berigai Police Station,
Krishnagiri District.
3. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
4. The Sub Jail,
Krishnagiri.
5. The Public Prosecutor,
High Court of Madras.

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