



Crl.O.P.No.12716 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

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

Crl.O.P.No.12716 of 2023

1.Dineshkumar
2.Vijayaprakash
3.Senthilkumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Ayilpatty Police Station,
Namakkal District.

(Crime No.41 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, in connection with the Crime
No.41 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Lakshmi Kandan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.04.2023, for the offences punishable under Sections 147, 148, 294(b), 307 of IPC @ Sections 147, 148, 294(b), 302 of IPC in Crime No.41 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant/ Manickam is that on account of land dispute, the accused have assaulted his brother with wooden log, due to which, he sustained grievous injuries and he was taken to the hospital, unfortunately, he succumbed to the injuries on the next day, without responding to the treatment. Based on his complaint, initially a case in Crime No.41 of 2023 was registered by the respondent Police under Sections 147, 148, 294(b), 307 of IPC and later altered to one under Sections 147, 148, 294(b), 302 of IPC. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are close relatives and there was a land dispute, during such time, there was a quarrel and they assaulted each other with wooden logs. He further submitted that the defacto complainant



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and his brother are the aggressors and they are the persons, who have initially assaulted the petitioners with wooden log and during such time, the petitioners for self defence, had attacked the defacto complainant. He further submitted that there is no intention on the part of the petitioners to commit murder and initially, the case was registered for the offence under Section 307 of IPC and later, the victim succumbed to the injury on the next day and thereby, the case was altered to one under Section 302 of IPC. He also submitted that the petitioners are in judicial custody from 10.04.2023, hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners and the defacto complainant are close relatives and there was an existing land dispute and there was a quarrel on the date of occurrence, during which time, the petitioners have assaulted the defacto complainant with wooden log and the victim sustained injuries and he was taken to the hospital and he died on the next day, without responding to the treatment. He also submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioners.



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5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the 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 also of the fact that even as per the prosecution, the alleged occurrence is stated to have taken place during a quarrel and the victim died on the next day, this Court is inclined to grant bail to the petitioners with certain conditions.

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, Rasipuram**, 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 petitioners shall stay at Kovilpatti and report before the Inspector of Police, Kovilpatti West 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;

[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.

08.06 .2023

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To

1. The Judicial Magistrate,
Rasipuram.
2. The Inspector of Police,



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Ayilpatty Police Station,
Namakkal District.

A.D.JAGADISH CHANDIRA.,J.

Vkr

3. The Central Jail,
Salem District.
4. The Public Prosecutor,
High Court of Madras.

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