



Crl.O.P.No.12732 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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

Crl.O.P.No.12732 of 2023

1.Natraj
2.Saravanan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kangeyam Police Station,

(Crime No.177 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in connection with the Crime
No.177 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Balamurugane

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



Crl.O.P.No.12732 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.05.2023, for the offences punishable under Sections 174 of Cr.P.C @ Sections 302 and 201 of IPC, in Crime No.177 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant/ Mani is that on 20.04.2023, around 8.30 p.m., her relative one Manickam had called her stating that her father was lying unconscious in his house. Immediately, she rushed to his house and when she had seen her father, he was lying unconscious and she had taken her father to the hospital and on 21.04.2023, at about 12.20 hours in the mid-night, the Doctor, who had seen her father, had stated that her father would have died either while attempting to commit suicide or died otherwise. Based on the complaint, initially a case in Crime No.177 of 2023 was registered by the respondent Police under Section 174 Cr.P.C and later during the course of investigation, it came to light that A1, who is the son of the victim, along with his son/A2 had committed the murder of his own father by strangulation and thereby, the case was altered to one under Sections 302 and 201 of IPC. Hence the case.



Crl.O.P.No.12732 of 2023

WEB COPY

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given. He further submitted that there is absolutely no witness to the occurrence. He further submitted that even as per the prosecution, the defacto complainant has stated that the Doctor, who had seen her father, had immediately informed that her father would have sustained injuries while attempting to commit suicide by hanging. He further submitted that later due to the intervention of the relatives, a false complaint has been given, as if, the petitioners have committed the murder of the deceased. He also submitted that there was an existing property dispute between the defacto complainant and the petitioners and thereby, in order to keep the petitioners in custody, a false complaint has been given and the evidence have been fabricated to fix the petitioners in the crime. He reiterated that there is absolutely no witness to the occurrence. He also submitted that the petitioners are in custody from 11.05.2023 and they are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



Crl.O.P.No.12732 of 2023

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A1 and A2, are father and son and on account of property dispute, the petitioners have committed the murder of the deceased by strangulation and they have left the body in the house and gone away and later the complaint has been given by the daughter of the deceased. He further submitted that there are ample materials to show that the petitioners were present in the house at the time of incident. Hence, he opposed for grant of bail to the petitioners.

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 considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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Crl.O.P.No.12732 of 2023

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, Kangeyam**, 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 Nagercoil and report before the Inspector of Police, Kottar Police Station, everyday at 10.30 a.m., until further orders; However, it is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent police, 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



Crl.O.P.No.12732 of 2023

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,
Kangayam.
2. The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
Kottar Police Station,
Nagercoil.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.12732 of 2023

A.D.JAGADISH CHANDIRA.,J.

Vkr

Crl.O.P.No.12732 of 2023

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