



Crl.O.P.No.17689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.17689 of 2023

Savuriraj

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.160 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pertaining to Crime No.160 of 2023 pending investigation on the file of respondent police.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2023 for the offences punishable under Section 302 of the Indian Penal Code, 1860 in Crime No. 160 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner, in a dispute between between petitioner and deceased who are brothers, unfortunately, the deceased died. Petitioner is in judicial custody from 28.06.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant is the wife of deceased/Paulraj. Deceased and petitioner are brothers. There had been frequent quarrel between them in connection with property dispute. On 26.06.2023 at about 3.30 p.m., deceased on the influence of alcohol fought with his mother. Therefore, defacto-complainant went to her mother-in-law's house and found that petitioner was also fighting with her husband. On 27.06.2023, at 2.30



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p.m deceased returned home after his work. Then, he left home. At 10.30 p.m, she was informed through phone that in a fight between petitioner and her husband, petitioner had hit deceased with wooden log on his head. As a result, her husband suffered injuries and later died.

4.Considered the rival submissions and perused the records.

5.Considering the circumstances leading to the incident and the death of the deceased, having regard to the fact that petitioner is in judicial custody from 28.06.2023, and that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6.Accordingly, petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Denkanikottai** and on further conditions that:-



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[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 report before the respondent police daily at 10.30.a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.Judicial Magistrate,
Denkanikottai
- 2.Sub Jail,
Dharmapuri.
- 3.The State Represented by
Thally Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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