



CrI.OP.No.17721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.17721 of 2023

1.K.Pitchaimurthy,

2.Yegavalli.

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
(Crime No.158 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioners on bail in connection with the case in
Crime No.158 of 2023 on the file of the respondent Police.

For Petitioners : Mr.B.Thiyagarajan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial



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custody on 04.07.2023 for the offence punishable under Section 302 of I.P.C, in Crime No.158 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated as accused in Crime No.158 of 2023 for the offence under Section 302 of I.P.C. Petitioners are in judicial custody from 04.07.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that the petitioners were constructing a house. During the course of construction, the materials used for construction especially the cement mixture and stones used to fall in front of the defacto-complainant's house and that was the cause for the frequent quarrel. On 04.07.2023, at about 11.00 am., the cement mixture fell on the cement roof of the defacto-complainant's house. Defacto-complainant's father Marimuthu, the deceased asked why they allow the cement mixture to fall on his house. Therefore, petitioner/Pichaimoorthy strangled Marimuthu/deceased. Petitioner's wife hit the deceased with spade on his



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chest. As a result of injuries suffered, the deceased died.

4.Considered the rival submissions and perused the records.

5.Considering the facts and circumstances which lead to the death of the deceased, that petitioners are in judicial custody from 04.07.2023 and that substantial part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** each (Rupees Twenty Five Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **The Judicial Magistrate-I, Walajapet**, 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 report before the respondent Police daily at 10.00.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 absconds, a fresh FIR can be registered under Section 229A IPC.

08.09.2023

ep/Apd



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To

- 1.The Judicial Magistrate-I,
Walajapet.
- 2.The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

ep/Apd

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