



WEB COPY



Crl.OP.No.19610 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HON'BLE DR. JUSTICE **G.JAYACHANDRAN**

Crl.OP.No.19610 of 2023

S.Arumugam

...Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
Vikravandi Police Station,
Villupuram District.
(Crime No.496 of 2023)
...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 Cr.P.C. praying to grant bail to the petitioner pending investigation in Crime No.496 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Sudangan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

It is a case of murder of one Ayyanar, who is the husband of the defacto-complainant.



Crl.OP.No.19610 of 2023

WEB COPY

2. In the First Information Report, it appears that between the petitioner, who is a land broker, and the deceased had some dispute regarding purchase of the property of one Kasthuri. It is alleged that on 27.07.2023, when the deceased questioned the petitioner why he has not arranged the sale of the property to him, there was melee, the accused pushed down the deceased Ayyanar, who sustained head injury and taken to the hospital by one Manibalan. On the next day, Ayyanar succumbed to the injury.

3. The learned counsel for the petitioner states that the deceased fell on his own and sustained injury. The petitioner is innocent and nothing to do with the death of the deceased Ayyanar. Referring the Accident Register, where it is stated that Manibalan who took the injured to the Mundiaympakkam Government Hospital, had stated that the deceased had fallen down on his own from the staircase. Later, the police has altered the case as if the petitioner has pushed down Ayyanar leading to death.



Crl.OP.No.19610 of 2023

WEB COPY

4. After perusing the CD file and on hearing the learned Government Advocate (Crl.Side), since the investigation has substantially completed, the judicial custody of the petitioner is no more required, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thosand only)** with two sureties, each for a like sum, to the satisfaction of the learned **Principal Sessions Judge, Villupuram;**

(b) 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.

[c] the petitioner shall report before the Investigating Officer daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the



WEB COPY



CrI.OP.No.19610 of 2023

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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.08.2023

apd/rpl

To

1.Principal Sessions Judge,
Villupuram.

2.The Inspector of Police,
Vikravandi Police Station,
Villupuram District.

3.The Superintendent, Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras

Dr.G.JAYACHANDRAN. J.



WEB COPY



Crl.OP.No.19610 of 2023

apd/rpl

Crl.OP.No.19610 of 2023

28.08.2023