



Crl.O.P.Nos.19745 and 19747 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.Nos.19745 and 19747 of 2023

1. Rajamani

2. Anitha

...Petitioners in Crl.O.P.No.19745 of 2023

Parimala @ Parimaladevi

...Petitioner in Crl.O.P.No.19747 of 2023

Vs.

The State by,

Inspector of Police,

Neyveli Township Police Station,

Cuddalore District

(Crime No.252 of 2023)

...Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.252 of 2023 on the file of Inspector of Police, Neyveli Township Police Station, Cuddalore District.

In both Crl.O.Ps:-

For Petitioners : Mr.M. Chinnadurai

For Respondent : Mr.S.Rajakumar

Additional Public Prosecutor



WEB COPY



Crl.O.P.Nos.19745 and 19747 of 2023

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.07.2023 (petitioner in Crl.O.P.No.19745 of 2023) and on 16.07.2023 (petitioner in Crl.O.P.No.19747 of 2023) for the offences punishable under Section 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC @ 147, 148, 294(b), 323, 324, 506(ii), 307 and 302 of I.P.C in Crime No. 252 of 2023 on the file of the respondent police, seek bail.

2.It is the submission of learned counsel for the petitioners that petitioners and deceased are relatives. In a dispute relating to property, there was a fight. Unfortunately, the deceased died. The only allegation against the petitioners is that they used their hands for attacking the victims. Petitioner in Crl.O.P.No.19745 of 2023 is in judicial custody from 08.07.2023 and the petitioner in Crl.O.P.No.19747 of 2023 is in judicial custody from 16.07.2023. Thus, he seeks bail.

3.The learned Additional Public Prosecutor submitted that there is a previous enmity between the family of petitioners and deceased in



Crl.O.P.Nos.19745 and 19747 of 2023

connection with a land. It is alleged in the First Information Report that accused Rajamani and Parimala used to speak ill of defacto-complainant's husband. However, he did not pay any attention to that. On 07.07.2023, at about 21.00 hours, Rajamani's cow was grazing near the house of defacto-complainant. When defacto-complainant's mother-in-law Kasthuri asked Rajamani as to why she allowed the cow to graze in front of the house, Sarangabani and Rajamani scolded her in filthy language and hit her with hands. Rajamani's sons Udhayasuriyan and Ranjanikumar came with iron pipe and hit defacto-complainant's father-in-law Viswanathan on his head. Udhayasuriyan had also hit defacto-complainant with iron pipe on her head. When defacto-complainant's husband tried to lift her, he was also attacked by Udhayasuriyan and Ranjanikumar. In view of the injuries suffered by husband of defacto-complainant, he died. Thus, he opposed this petition.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the issue between parties which lead to



Crl.O.P.Nos.19745 and 19747 of 2023

the murder of deceased, the fact that petitioners had used only their hand for attacking the victims in this case, that the petitioner in Crl.O.P.No.19745 of 2023 is in judicial custody from 08.07.2023 and the petitioner in Crl.O.P.No.19747 of 2023 is in judicial custody from 16.07.2023 and the that investigation in this case is completed and final report is filed, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, 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 **learned District Munsif Cum Judicial Magistrate, Neyveli** 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 report before the respondent police daily at 10.30.a.m., until further orders.



Crl.O.P.Nos.19745 and 19747 of 2023

[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.

04.09.2023

ep/shl



WEB COPY



CrI.O.P.Nos.19745 and 19747 of 2023

To

1.District Munsif Cum Judicial Magistrate,
Neyveli

2.Central Prison,
Cuddalore.

3.Central Prison, Vellore.

4.The State by
Inspector of Police,
Neyveli Township Police Station,
Cuddalore District
(Crime No.252 of 2023)

5.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.Nos.19745 and 19747 of 2023

G.CHANDRASEKHARAN. J.

ep/shl

Crl.O.P.Nos.19745 and 19747 of 2023



WEB COPY



CrI.O.P.Nos.19745 and 19747 of 2023

04.09.2023