



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7599 of 2023

Petchimuthaiah

... Petitioner / Accused No.2

Vs

State rep by
The Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(Crime No.30 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Mohan Gandhi.S.M, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

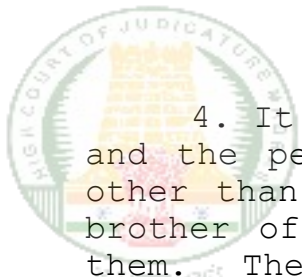
For Bail in Crime No.30 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 07.03.2023 for the offences under sections 302 and 307 of IPC @ 302,307 and 120(B) of IPC in Crime No.30 of 2023 on the file of the respondent police seeks bail.

2. The prosecution case is that the petitioner is the son of the deceased. The defacto complainant is the another son of the deceased. Due to money dispute between the deceased and the petitioner the petitioner conspired together and committed the murder of the deceased and on 07.03.2023 while the deceased was travelling in the two wheeler the accused persons hit the vehicle with a car and caused death to the deceased, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.



4. It is seen that there are totally three accused in the case and the petitioner herein is arrayed as A2. The deceased is none other than the mother of the first accused and the injured is the brother of the first accused. There are property dispute between them. Therefore the first accused decided to do away the life of his own mother and brother. That apart their father met with an accident and there was a dispute in respect of claiming compensation and insurance policy amount. The deceased originally executed gift deed in favour of the first accused, thereafter it was cancelled and appeal proceedings also pending before the District Registrar. At this juncture the first accused with the help of his brothers A2 and A3 decided to do away the life of his own mother and brother. In so far as the petitioner herein is concerned he only informed the first accused about their route. Therefore the first accused had driven his tavera car and hit the two wheeler which was driven by the injured brother along with his deceased mother, due to which the mother of the first accused sustained injuries and died. The brother was admitted in the hospital and later discharged from the hospital. Taking into consideration the facts and submissions made by the learned counsels and also the the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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, Shencottah and on further conditions that:

[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.

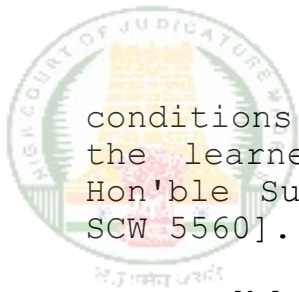
[c] the petitioner shall stay at Namakkal and report before the Namakkal police daily at 10.30 A.M. and 5.30P.M., for a peirod of four weeks and thereafter before the respondent police daily at 10.30 a.m.,for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

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

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

[g] On breach of any of the aforesaid conditions, the learned Judicial 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 or 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].

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

sd/-
24/04/2023

/ TRUE COPY /

24/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

- 1.The Judicial Magistrate,
Shencottah.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Ilathur Police Station,
Tenkasi District.
- 4.The Superintendent,
Central Prison, Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Namakkal Police Station,
Namakkal District.

ORDER
IN
CRL OP(MD) No.7599 of 2023
Date :24/04/2023

ED/SSS/SAR- (24/04/2023) 3P 7C