



Crl.O.P.No.5059 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5059 of 2024

Eswaran @ Eswaramoorthy

...petitioner

Vs.

State represented by
The Inspector of Police,
Valapaddy Police Station,
Salem District.

Crime No.32 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.32 of 2024 on the file of the respondent Police.

For petitioner : Mr.E.Kannadasan

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.01.2024 for the offences registered by the respondent Police under Sections 294(b) and 302 of IPC, in Crime No.32 of 2024 seeks bail.



Crl.O.P.No.5059 of 2024

WEB COPY

2.It is stated that there is an existing over pathway dispute between the petitioner and the defacto complainant. On 28.01.2024, when the petitioner was cleaning the grass and plants from the defacto complainant's land by using machine, the deceased came there and a dispute arose, due to which, the petitioner had thrown a stone on the deceased and the deceased sustained injuries and fell down. The deceased was brought dead to the hospital.

3.It is stated that the investigation has been completed and final report had also been filed before the District Munsif cum Judicial Magistrate, Valappady.

4.Taking all these factors into consideration and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Valappady and on further conditions that :-



Crl.O.P.No.5059 of 2024

[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, everyday at 10.30 am., 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.

08.03.2024

vkrr



WEB COPY



Crl.O.P.No.5059 of 2024

C.V.KARTHIKEYAN. J.

vkrr

To

1. The District Munsif cum Judicial Magistrate, Valappady.
2. The District Jail, Attur.
3. The Inspector of Police,
Valapaddy Police Station,
Salem District.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.5059 of 2024

08.03.2024