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CRL OP No. 15183 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15183 of 2025

Pazhani @ Palani
S/o. Pakkiri, No.2/295, Virugavur Road,
Pridivimangalam Village, Kallakurichi
District

Petitioner(s)

Vs

1. The State represented by the
Inspector of Police
Thiyagadurgam Police Station,
Kallakuruchi (Crime No. 169/2025)

Respondent(s)

PRAYER

To enlarge the petitioner on bail in Crime No.169 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.R.Vivekananthan

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Govt Advocate (Crl. Side)

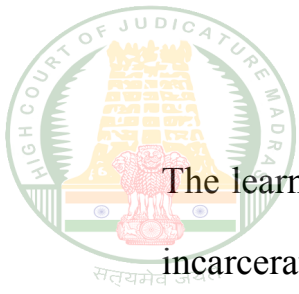


ORDER

WEB COPY The petitioner, who was arrested and remanded to judicial custody on 14.04.2025, for the offence punishable under Section 103(1), 115 (1), 296 (b) and 74 of the Bharatiya Nyaya Sanhita (B.N.S), 2023, in connection with Crime No.169 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused and the deceased are neighbours; following a wordy quarrel due to pathway dispute, the petitioner along with other accused punched and pushed the deceased, as a result of which, deceased fell down and died. Hence, the case.

3. It is the contention of the learned counsel for the petitioner that the petitioner had a dispute with his neighbours with regard to the common pathway; the petitioner had put up a drainage pipe and the same was forcibly closed by his neighbour, due to which there was a wordy quarrel, in which the petitioner had punched the deceased on his chest and the deceased had fallen down. Thereafter, he was admitted in the hospital where he died. In fact, the deceased was already taking treatment for angioplasty. The learned counsel further submitted that the co-accused/A2 was granted bail by this Court in Crl.O.P No.13236 of 2025 on 28.04.2025. He further submitted that the post mortem report would reveal that the deceased died, due to sudden heart attack and he consumed alcohol before his death and it is not due to the hand punch.



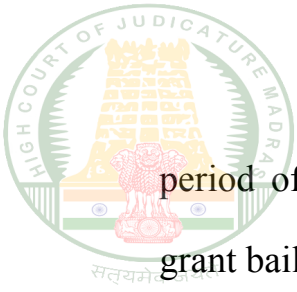
The learned counsel for the petitioner submitted that the petitioner is suffering incarceration from 14.04.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that in this case, the petitioner and the deceased are neighbours and there was a dispute between them regarding the common pathway; the petitioner and his son had put up a drainage pipeline and the same was objected by the deceased; on the date of occurrence, following a wordy quarrel, the petitioner along with other accused punched and pushed the deceased, as a result of which, deceased fell down and died. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. The fight between the accused and the deceased has been witnessed by others and in this case, A2 has been granted bail by this Court. Further, the deceased has been taken treatment for his heart ailments. The post-mortem report would reveal that the deceased died due to sudden heart attack.

7. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the



period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.II, Kallakurichi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;



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[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

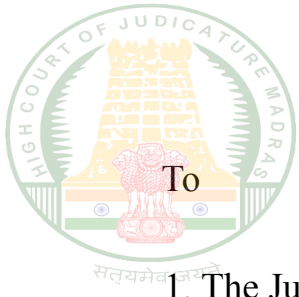
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

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1. The Judicial Magistrate No.II,
Kallakurichi.
2. The Inspector of Police
Thiyagadurgam Police Station
Kallakurichi.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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