

Crl.O.P.No. 5851 of 2016

K.KALYANASUNDARAM, J.

The petitioners, who are arrayed as accused, were arrested and remanded to judicial custody on 07.01.2016 for an alleged offence punishable under Section 302 of IPC in Crime No.238 of 2015, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the deceased is the husband of A-3, A-1 and A-3 had illicit intimacy, which was objected by the deceased. There was a dispute between A-8 and the deceased with regard to money transaction. A-1, A-2 and A-4 to A-6 are friends and they all conspired to eliminate the deceased. On the date of occurrence, A-3 informed A-1 that her husband was sleeping in a temple and the accused went in a car and kidnapped him and thereafter, A-1 and A-2 attacked him with knives and caused fatal injuries, while the other accused stood guard at the place of occurrence.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated as accused in the present case. It is further submitted that the major part of the investigation is over and they are ready to co-operate for trial.

4.Per contra, learned Government Advocate [Criminal Side] appearing for the respondent would submit that the first petitioner is having 7 previous cases to his credit including Sections 392, 457, 380 and 397 IPC and the co-accused have already been granted bail by this Court in Crl.O.P.Nos. 3752 of 2016 on 02.03.2016 and 2528 of 2016 on 10.02.2016.

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5.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the second petitioner with certain conditions.

6.Accordingly, the second petitioner is ordered to be released on bail on their executing a personal 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, Uthukottai and on further condition that the second petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

7. Considering the submissions made by the learned Government Advocate (Crl. Side), this petition is dismissed in respect of the first petitioner.

01.04.2016

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