

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.17131 of 2020

1.Murugesan
2.Nanthakumar
3.Arunpandiyan @ Prakash
4.Babu @ Ananthbabu
5.Sudhakar
6.Gopi @ Elango

... Petitioners

-Vs.-

State Rep by:-

The Inspector of Police,
Needamangalam Police Station,
Tiruvarur District.
(Crime No.1177 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.1177 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 22.08.2020 for the offences punishable under Sections 147, 148, 324, 307, 302 of IPC in Crime No.1177 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the *de facto* complainant Panneerselvam is that his son developed illicit affair with one Bhuvaneshwari, wife of the first accused, due to which, the petitioners/accused on 21.08.2020 joined together and committed murder of the son of the *de facto* complainant. Hence, this complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that even as per the FIR, the deceased is stated to have had illicit intimacy with the wife of A1. He would submit that the petitioners were arrested on 21.08.2020 and they are in custody for more than 80 days and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the first accused, suspecting his wife Bhuvaneshwari had illicit intimacy with the son of the *de facto* complainant, had conspired with the other accused, committed murder of the deceased Shanmugaraja by using Aruval. He would submit that as far as the first petitioner is concerned, there are seven previous cases, as far as second petitioner is concerned, there are two previous cases, as far as petitioners 3 to 5 are concerned, they have one previous case for hurt and insofar as the sixth petitioner is concerned, there is no previous case against him. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is not inclined to grant bail to the petitioners 1 and 2. Accordingly, this Criminal Original Petition is dismissed as against the petitioners 1 and 2. Insofar as the petitioners 3 to 6, this Court is inclined to grant bail subject to the following conditions:

(a) Accordingly, the petitioners 3 to 6 are ordered to be released on bail on condition to execute a separate 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 District Munsif-Cum-Judicial Magistrate, Needamangalam, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner 3 to 6, on their release from prison, shall stay at Trichy and report before the Trichy Cantonment Police Station everyday at 10.30 a.m until further orders.

(d) the petitioners 3 to 6 shall not commit any offences of similar nature;

(e) the petitioners 3 to 6 shall not abscond either during investigation or trial;

(f) the petitioners 3 to 6 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 petitioners 3 to 6 in accordance with law as if the conditions have been imposed and the petitioners 3 to 6 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

10/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE JAILER,
DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

6 THE OFFICER INCHARGE,
TRICHY CANTONMENT POLICE STATION,
TRICHY

+1CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR NO.7469

CRL OP.17131/2020

Date :10/11/2020