

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.8901/2021

1.Arumugasamy
2.Narayanan

.. Petitioners

Versus

State rep.by
The Inspector of Police
J-3, Guindy Police Station,
Chennai.
(Crime No.59/2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in crime No.59/2021 pending investigation on the file of the Inspector of Police, J-3 Guindy Police Station, Chennai.

For Petitioners: Mr.T.Vinoth Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners, who were arrested on 12.02.2021 for the offences punishable under Sections 174 Cr.P.C. altered to 302 IPC in Crime No.59/2021, on the file of the respondent police, seek bail.

2. It is seen from the submissions that the petitioners are charged for the murder of deceased one Vignesh, who is a handicapped person.

3. The case of the prosecution is that the 1st petitioner was an aid to the deceased and for monetary gain, both petitioners said to have murdered him.

4. The learned counsel appearing for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case and they are in judicial custody for more than 83 days.

5. The learned Additional Public Prosecutor strongly opposes this petition on the ground that a handicapped person was murdered for the

sake of money by his own aid/1st petitioner along with 2nd petitioner. He further submitted that the investigation in this case is pending.

6. Considering the fact that the petitioners are in judicial custody for more than 83 days and the fact that the substantial part of the investigation is over, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on each of them 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 IX Metropolitan Magistrate, Saidapet, Chennai, and on further condition that:

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 petitioners shall report before the respondent police daily at 10.30 am. and 5.00 p.m, until further orders.

c)the petitioners shall not abscond either during investigation or trial.

d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

12/05/2021

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 IX METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
J-3 GUINDY POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

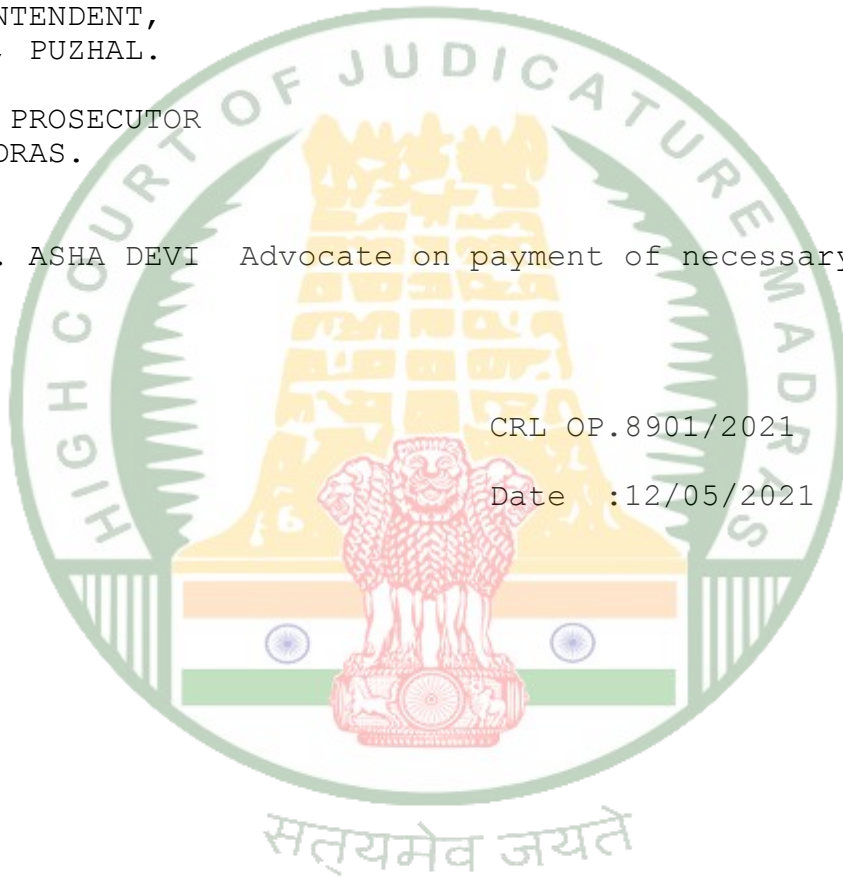
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. ASHA DEVI Advocate on payment of necessary charges

CRL OP.8901/2021

Date :12/05/2021

MN-13/05/2021



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