



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11673, 11675 & 11676 of 2021

1.B.Usha	... Petitioner in Crl.OP.11673 of 2021/A1
2.M.Bakkiyaraj	... Petitioner in Crl.OP.11675 of 2021/A2
3.R.Gokul	... Petitioner in Crl.OP.11676 of 2021/A4

Vs.

The State represented by,
The Inspector of Police,
Mangadu Police Station,
Chennai
(Crime No.252 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.252 of 2021, on the file of the respondent police.

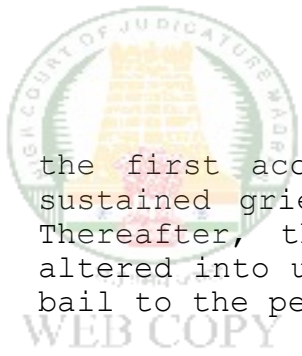
For Petitioners: M/s.Nathan and Associates

For Respondent : Mr.M.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER

The first petitioner, who was arrested and remanded to judicial custody on 01.05.2021 and the second and third petitioners, who were arrested and remanded to judicial custody on 04.05.2021 for the offence punishable under Sections Man Missing and altered into Section 302 of I.P.C, in Crime No.252 of 2021, seek bail.

2.The learned Government Advocate (Crl.side) submitted that A1 is the wife of the deceased, A2 is the brother in law of the deceased and A3 & A4 are the assistants to the second accused in respect of his lorry. The deceased suspected the first accused's fidelity and as such, he always used to torture the first accused. While being so, on the date of occurrence i.e., 28.04.2021, when the deceased came in drunken mood, there was a quarrel between the deceased and the first accused. Therefore, immediately, the first accused called other accused persons. They came to the house of



the first accused and attacked the deceased with iron rod. The deceased sustained grievous injuries and died. They threw the body inside a pond. Thereafter, the body was recovered from the pond and the offences were altered into under Section 302 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.

3. It is seen that there are totally four accused and the petitioners herein are arrayed as Accused Nos.1, 2 and 4. The 1st petitioner was arrested on 01.05.2021 and 2nd & 3rd petitioners were arrested on 04.05.2021. The first accused is none other than the wife of the deceased; the second accused is none other than the brother-in-law of the deceased; third and fourth accused are the assistants to the second accused. The deceased suspected the first accused's fidelity and as such, he always used to torture the first accused. While being so, on the date of occurrence i.e., 28.04.2021, when the deceased came in drunken mood, there was a quarrel between the deceased and the first accused. Therefore, immediately, the first accused called other accused persons and they came to her house and attacked the deceased with iron rod. Therefore, the deceased sustained injuries and died. Thereafter, all the accused thrown out the body into a pond.

4. On the date of the occurrence itself, the mother of the deceased lodged a complaint and the same was registered as "man missing". Thereafter, the respondent found the body of the deceased on 30.04.2021 and hence, the case was altered into under Section 302 of IPC and also 201 of IPC. There are totally 4 accused, in which, the petitioners are arrayed as A1, A2 and A4. A3 was already arrested and released on bail. The investigation is almost about to complete.

6. Considering the facts and circumstances of the case and also considering the fact that the first petitioner is in judicial custody from 01.05.2021 and the second and third petitioners are in judicial custody from 04.05.2021, this Court is inclined to grant bail to the petitioners with certain conditions :

[a] Accordingly, the petitioners are ordered to be released on condition that they shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Superintendent of the concerned prison;

[b] thereafter, the petitioners shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate within a period of fifteen days, failing which the bail granted by this Court shall stand dismissed.

[c] 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.



[d] the petitioners shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m, until further orders.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/07/2021

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.

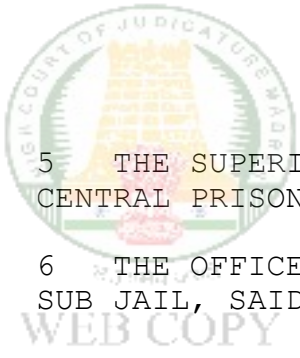
TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

6 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET.

CC to M/S NATHAN AND ASSOCIATES Advocate on payment of necessary
charges

CRL OP.11673/2021

Date :09/07/2021

MN-12/07/2021