



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15441 of 2021

1. Murugesan
2. Rajeswari

... petitioners

Vs.

The State Rep by
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District
(Crime No.727 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.727 of 2021 on the file of the respondent police.

For petitioners : M/s Om Sai Ram

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 10.08.2021 and remanded to judicial custody for the offences under Sections 147,294(b),506(1) and 306 of IPC in Crime No.727 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was property dispute between the petitioners and the deceased. It is alleged that the petitioners encroached the land belonging to the deceased and threatened the deceased to execute the deed in their favour. Due to which the deceased committed suicide by consuming poison. Based on the complaint given by the wife of the deceased the law enforcing agency registered a case against the petitioners.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioners are in jail from 10.08.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that investigation is pending and he opposed for grant of bail to the petitioners.

5. Considering the submissions made by the learned counsel appearing on either side and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Virudhachalam 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 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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]; and;



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

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-sd/-
13/09/2021

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,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.OM SAI RAM, Advocate on payment of necessary charges

CRL OP.15441/2021

Date :13/09/2021

JPA 14/09/2021