



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.17519 and 17539 of 2021

1. Manikandan
2. Abirami ...Petitioners in Crl.O.P.No.17519 of 2021

1. Murugan
2. Kumaresan ...Petitioners in Crl.O.P.No.17539 of 2021

Vs.

The State
Represented by The Inspector of Police,
Kachirayapalayam Police Station,
KALLAKURICHI DISTRICT.
(Crime No.557 of 2021) ... Respondent in both petitions

PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.557 of 2021 on the file of the respondent police.

For Petitioners : Mr.A.G.Rajan
(in both petitions)

For Respondent (s) : Mr.A.Gopinath
(in both petitions) Government Advocate (Crl.Side)

COMMON ORDER

The petitioners in Crl.O.P.No.17519 of 2021, who were arrested and remanded to judicial custody on 18.08.2021 for the offences under Sections 147, 148, 294(b), 324, 506(ii), 307 and 302 of IPC, in Crime No.557 of 2021 on the file of the respondent police, seek bail.

2.The petitioners in Crl.O.P.No.17539 of 2021, who were arrested and remanded to judicial custody on 16.08.2021 for the offences under Sections 147, 148, 294(b), 324, 506(ii), 307 and 302 of IPC, in Crime No.557 of 2021 on the file of the respondent police, seek bail.

3. The case of the prosecution is that there was a previous enmity between the petitioners and the defacto complainant, as a result of which, the petitioners had attacked the husband of the



defacto complainant and one Saravanan/deceased with wooden log and knife, due to which, the deceased/Saravanan died. Hence, the complaint.

4. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He further submitted that there is no intention to commit the murder of deceased. He further submitted that the petitioners have already given a complaint before the respondent police in Crime No.558 of 2021 against the defacto complainant. Therefore, he prays to grant bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

6. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing 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 Judicial Magistrate-I, Kallakurichi, 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.

WEB COPY

-sd/-

20/10/2021

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,
NO.I, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE FOR WOMEN.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KACHIRAYAPALAYAM POLICE STATION,
KALLAKURICHI DISTRICT.

+2 CC to M/S A.G.RAJAN Advocate on payment of necessary charges
SR.NOS. 11470 & 11469

CRL Ops.17519 & 17539/2021

Date :20/10/2021

RW 21/10/2021