



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23430 of 2021

1.N.Kathiresan
2.R.Sathish
3.N.Pandurangan

... Petitioners

Vs.

The State;- Rep. by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
Crime No.436 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime. No.436 of 2021 on the file of the respondent police.

For Petitioners : Mr.D.Jagadeesan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 08.10.2021 for the offences under Sections 324, 307 and 302 of IPC, in Crime No.436 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first petitioner and the de facto complainant are husband and wife. Due to illegal intimacy of the de facto complainant with the deceased named Ragupathi, the petitioners along with other accused attacked the deceased with iron rod and murdered him. Hence the complaint.



3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and he has been falsely implicated in this case and that the petitioners have been suffering incarceration for more than 50 days from 08.10.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise objection stating all the four accused have been arrested and due to the illegal intimacy, the occurrence had happened. Now the child aged about 5 years which was born to the de facto complainant and the first petitioner, is under the care of third party and the investigation is almost completed.

5. On seeing the facts and circumstances of the case and the pathetic situation of the family as well as the fact that the child of the 1st petitioner is under the care of third party and that investigation almost completed and also considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with conditions

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate Court-I, Krishnagiri, Krishnagiri District, and on further conditions 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 every Tuesday and Sunday 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) the petitioners shall not have any communication with defacto complainant and victim girl.

(f) 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.

-sd/-
07/12/2021

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, KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.JAGADEESAN Advocate on payment of necessary charges

CRL OP.23430/2021

Date :07/12/2021

JPA 08/12/2021