



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.24953 of 2021

**(\*)1.STEPHAN @ STEPHANRAJ**

2. JEEVANANTHAM @ JEEVA

...Petitioners

Vs.

State rep by  
Station House Officer  
Thiruppapuliyur Police Station  
Cuddalore District

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in S.C.No.184 of 2021 pending trial on the file of the learned Principal District Judge, Cuddalore, Cuddalore District.

For Petitioners : Mr.S.Senthilvel

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Cr1. Side)  
Dated:20/12/2021

MR.A.GOKULAKRISHNAN Additional Public Prosecutor  
[CRL.MP.NO.668/2022 IN CRL.OP.NO.24953/2021]  
Dated:27/01/2022

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 17.02.2021 for the offences under Sections 147, 148, 294 (b), 302, 120(B) of IPC, in Crime No.84 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity with regard to murder of one Sathish Kumar who is the friend of A1, the petitioners along with other accused attacked the deceased with knife on his head and chest as a result of which, he died on the spot. Thereafter, A1 severed the head of the deceased and A1 took the head of the deceased and proceeded further with other accused and the same was witnessed by the mother of the deceased. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the investigation has been completed and the charge sheet has been filed and the same has been taken on file in S.C.No.184 of 2021 on the file of the Principal District Judge, Cuddalore, Cuddalore District and the petitioners have been suffering incarceration for more than 310 days from 17.02.2021. He would further submit that A7, A8 and A9 have been granted bail by this Court in Crl.O.P.No.10703 of 2021 dated 22.06.2021 and Crl.O.P.No.11192 of 2021 dated 30.06.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise objection stating that it is a case of retaliation murder. There are totally 10 accused in this case and the petitioners are arrayed as A5 and A6 and they are rowdy elements. A1 was shot dead while he attempted to escape from the police and that A2, A3, A4, A10 have been detained under Goondas but admits that there is no proposal for Goondas against the petitioners.

5. Considering the fact that the investigation has been completed, charge sheet has been filed and the same has been taken on file in S.C.No.184 of 2021 on the file of the Principal District Judge, Cuddalore, Cuddalore District and some of the co-accused have been enlarged on bail by this Court and that there is no proposal for Goondas against these petitioners and also considering the period of incarceration undergone 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 their executing separate bonds 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-III, Cuddalore, 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 stay at Theni and report before the Theni Police Station, daily at 10.30 a.m., for a period of 3 months except on Court hearings. The petitioners shall co-operate for the trial proceedings without fail.

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

(d)the petitioners shall not abscond during 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.

-sd/-

20/12/2021

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.

**(\*) Amended as per order of this Court Dated 27/01/2022 made in CRL.MP.NO.668/2022 IN CRL.OP.NO.24953/2021.**

TO

1 THE PRINCIPAL DISTRICT JUDGE,  
CUDDALORE, CUDDALORE DISTRICT.

2 THE JUDICIAL MAGISTRATE-III,  
CUDDALORE.

3 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE DISTRICT [FOR INFORMATION]

4 THE STATION HOUSE OFFICE,  
THIRUPPAPULIYUR POLICE STATION,  
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE.

6 THE OFFICER INCHARGE,  
THENI POLICE STATION, THENI.

7 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.S.SENTHILVEL Advocate on payment of necessary charges SR.NO.1318

CRL OP.24953/2021

Date :20/12/2021

CSK 21/12/2021