



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.823 of 2022

1.Sekar
2.Nollaiyan @ Radhakrishnan
3.Sankar @ Thangapaiyan
4.Mani @ Manikandan
5.Kattaiyan @ Sathish Kumar

.. Petitioners

Vs.

State Rep by
The Inspector of Police,
Tharamangalam Police Station
Omalur, Salem District
(Crime No.574 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.574 of 2021 on the file of the respondent police.

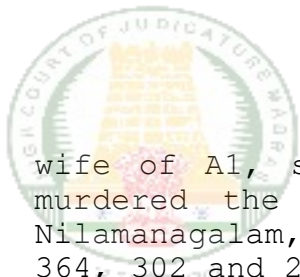
For Petitioners : Mr.T.S.Saikrishnan

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

ORDER

The petitioners No. 1 and 2 who were arrested and remanded to judicial custody on 25.10.2021 and the petitioners No.3 to 5 who were arrested and remanded to judicial custody on 28.10.2021 respectively for the offences under Sections 120(B), 364, 302, 201 of IPC, in Crime No.574 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police under Section 'Man Missing'. Further case of the prosecution is that the respondent police found that the deceased was having illicit intimacy with the



wife of A1, so, the accused along with others joined together and murdered the deceased and thrown the dead body in the lake of Nilamanagalam, Bangalore. Hence, the Section was altered to 120(b), 364, 302 and 201 IPC.

3. The learned Counsel for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners No. 1 and 2 were suffering incarceration for 79 days from 25.10.2021 and the petitioners No.3 to 5 were suffering incarceration for 76 days from 28.10.2021 respectively. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise objection stating that totally seven accused were involved in this case, among them, five accused were arrested and two accused were not yet secured. He further submits that the petitioners are having no previous cases and the investigation was almost completed

5. Considering the facts and circumstances of the case and also the fact that the investigation was 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.

[a] the Petitioners are ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on his release;

[b] the petitioners shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the *Judicial Magistrate, Omalur, Salem District*, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[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 stay at Karur and sign before the Town police station, Karur on every Tuesday and Saturday at 10.30 a.m., for two months;

[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]; and;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/01/2022

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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
OMALUR , SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE OFFICER INCHARGE
THE TOWN POLICE STATION,
KARUR.

WEB COPY

+1CC to M/S.T.SAIKRISHNAN Advocate on payment of necessary
charges SR.No.590

CRL OP.823/2022

Date :12/01/2022

CSK 19/01/2022