



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.988 of 2022

1. Noorraj
2. Venkatesh

... Petitioners

Vs.

The State Rep. by:-
The Inspector of Police,
Tiruttani Police Station,
Tiruttani.
Thiruvallur District
Crime No.1189/2021

... 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.1189 of 2021 pending investigation on the file of the Inspector of Police, Tiruttani Police Station, Tiruttani. Thiruvallur District.

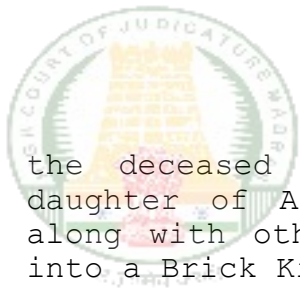
For Petitioners : Mr.S.Nambirajan

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 03.11.2021 and 12.11.2021 for the offences under Sections 302, 147, 341, 364, 201, 120B of IPC, in Crime No.1189 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased had married the daughter of one Vinnoli/A5 without the knowledge of their parents. Thereafter, the deceased was found missing from 27.10.2021. Hence, the case was initially registered for "Man Missing". Later during investigation, it was found that the relationship between the daughter of the petitioner and the deceased is a brother and sister relationship. Hence, it was opposed by both the families. However,



the deceased refused to listen to their advice and married the daughter of A5. Hence, on the instigation of A5, the petitioners along with other accused murdered the deceased and thrown the body into a Brick Kiln Chamber. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He would further submit that most of the co-accused including A5 have been granted bail by this Court and that the petitioners have been suffering incarceration from 03.11.2021 and 12.11.2021 respectively. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the deceased and the daughter of A5 are related to brother and sister relationship but, they both had love affair and got married and same was opposed by both the family members. While so, on the instigation of A5/the mother of the wife of the deceased, the petitioners along with other accused murdered the deceased and thrown the body near Periyapalayam but admits that the co-accused have been granted bail and the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the fact that the co-accused have been granted bail by this Court and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

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

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Tiruttani, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



(d) the petitioners shall appear before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders.

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(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
TIRUTTANI, THIRUVALLUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL NO.II, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.NAMBIRAJAN Advocate on payment of necessary
charges SR.NO.564

CRL OP.988/2022

Date :12/01/2022

JPA 19/01/2022