



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

CrI.O.P.No.2445 of 2022

1. Lakshmanan
2. Magendiran

...Petitioners

Vs.

State by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No. 613 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No. 613 of 2021 on the file of the Respondent police.

For Petitioners :Mr.C.Munusamy

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

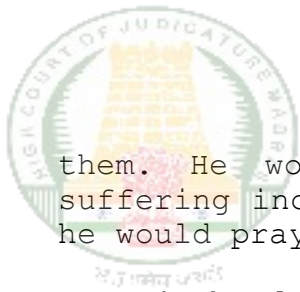
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 22.11.2021 for the offence under Section 302 IPC in Crime No.613 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased and A1's wife had illegal affair. Hence, on 21.11.2021, the petitioners after consuming alcohol stabbed the deceased with bottle and murdered him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this the second application for bail and the earlier application was dismissed by this Court in CrI.O.P.No.1197 of 2022 by order dated 20.01.2022 and the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against



them. He would further submit that the petitioners have been suffering incarceration for more than 70 days from 22.11.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that there are totally 2 accused in this case and they both have been arrested. The deceased had developed intimacy with the wife of A1 and thereby, with ill motive, the first petitioner along with the second petitioner attacked the deceased and committed the murder of the deceased but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and that 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) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-II, Hosur, 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 report before the respondent police daily at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation.

(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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/02/2022

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,
NO.II, HOSUR, KRISHNAGIRI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.MUNUSAMY Advocate on payment of necessary charges

CRL OP.2445/2022

Date :02/02/2022

RW 03/02/2022