



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5311 of 2022

1.Anadharaj
2.Mohamed Rafi

.. Petitioners

Vs.

State rep. by
The Inspector of Police,
M-4, Redhills Police Station,
Thiruvallur District.
(Crime No.8 of 2022)

.. 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.8 of 2022 on the file of the respondent police.

For Petitioners : Mr.R.Madurai Veeran

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

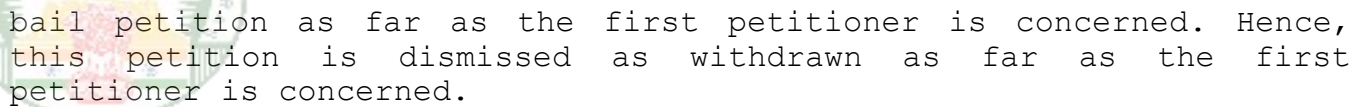
O R D E R

The petitioners/A1 and A3, who were arrested for the offences punishable under Section 302 of IPC in Crime No.8 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the murder of one Elumalai was due to the previous enmity which arose due to the murder of one Karthick in the year 2018, who is the brother of the first petitioner herein. The second petitioner, who is friend of the first petitioner, is arrayed as the third accused for being privy to the murder of Elumalai.

3.Learned Additional Public Prosecutor appearing for the respondent states that though the investigation is almost completed, the State is contemplating to invoke preventive detention against these petitioners.

4.As far as the facts of this case is concerned, the motive and overtact are attributed to the first petitioner. Hence, this Court is not inclined to grant bail to the first petitioner. Learned counsel for the petitioners seek leave of this Court to withdraw this



5. As far as the second petitioner is concerned, claims to be the friend of the first petitioner, the investigation is completed and there is no bad antecedence or motive attributed to him. Hence, bail is granted to the second petitioner and he is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ponneri.

(b) 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;

(c) the petitioner is directed to appear before the Investigating Officer twice daily at 10.30 a.m. and 04.30 p.m. until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) 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];

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

-sd/-

10/03/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE
M-4, REDHILLS POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

+2 CC to M/S. R.MADURAI VEERAN Advocate on payment of necessary
charges Sr.3673

CRL OP.5311/2022

Date :10/03/2022

RVR 10/03/2022