



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.6250 of 2022

1.Ashokkumar
2.Karthikeyan

.. Petitioners

Vs.

State rep. by
The Inspector of Police,
Komarapalayam Police Station
Namakkal District.
(Crime No.39 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 connection with the case in Crime No.39 of 2022 pending investigation the file of the respondent police.

For Petitioners : Mr.R.Marudhachalamurthy

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners, who were arrested for the offences punishable under Sections 302 of IPC @ 302 read with 114, 34 of IPC in Crime No.39 of 2022, on the file of the respondent police, seek bail.

2.It is a case of murder by the elder brother of the deceased. The deceased is the younger brother. From the F.I.R. given by the father, it indicates that the deceased, who was in a drunken mood, had quarreled with his mother and when it was objected by the accused persons, who are the other sons of the defacto complainant, quarrel has erupted leading to deadly assault of the deceased.

3.Learned Additional Public Prosecutor appearing for the respondent states that the investigation has been completed and the final report was also filed.



4. In the light of the above fact, this Court is inclined to grant bail to the petitioners herein and they are ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Komarapalayam.

(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 petitioners are directed to report before the Investigating Officer as and when required.**

(d) the petitioners 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/-
25/03/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
KOMARAPALAYAM, NAMAKKAL.



2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.R.MARUDHACHALAMURTHY Advocate on payment of
necessary charges SR.NO.4518

CRL OP.6250/2022

Date :25/03/2022

TA-25/03/2022