



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.11264 & 11905 of 2022

T.ANNADURAI

[PETITIONER / ACCUSED
IN CRL.O.P.No.11264/2022]

1 ELAYARAJA
2 PANDIYAN
3 PERIYAMMAL
4 MANIMEGALAI

[PETITIONERS / ACCUSED
IN CRL.O.P.No.11905/2022]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.214 OF 2022.

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S.A.RAMESH Advocate for
M/S.M.PALANIMUTHU Advocate
[IN CRL.O.P.No.11264/2022]

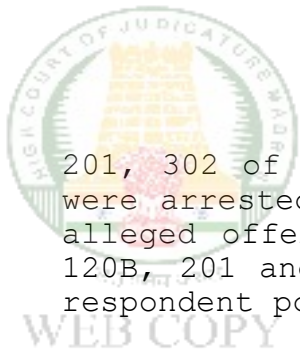
For Petitioner : M/S.R.THIRUMOORTHY, Advocate
[IN CRL.O.P.No.11905/2022]

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor
[IN BOTH THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.11264 of 2022, who was arrested and remanded to judicial custody on 10.03.2022 for the alleged offences under Section 174(1) of Cr.P.C., subsequently altered into 120(b),



201, 302 of IPC and the petitioners in CrI.O.P.No.11905 of 2022, who were arrested and remanded to judicial custody on 11.03.2022 for the alleged offences under Section 174 of Cr.P.C altered into Sections 120B, 201 and 302 of IPC in Crime No.214 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased, who was aged about 17 years seems to had an illegal intimacy with the wife of A1. He was warned several times by A1 in this regard. The deceased died under suspicious circumstances and hence an FIR was registered under Section 174 of Cr.P.C. In the course of investigation, the FIR was altered for the offences under Sections 120 B, 201 and 302 of IPC. The petitioners have been arrayed as A1 to A4 & A6 respectively and they were arrested and remanded to judicial custody. The body of the deceased was found to carry several injuries and there was also head injuries. Earlier the bail petition filed by the petitioners was dismissed by this Court on the ground that the investigation was under crucial stage.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutior for the respondent.

4. The learned Additional Public Prosecutor brought to the notice of this Court that recording of statements of the witnesses has been completed and the post mortem report has also received and only the viscera report is awaited. Thereafter, the respondent police will proceed to file the final report in this case.

5. Taking into consideration of the facts and circumstances of this case and also of the fact that the petitioner in CrI.O.P.No.11264 of 2022 has already suffered incarceration for 71 days and the petitioner is CrI.O.P.No.11905 of 2022 has already suffered incarceration for 72 days, this Court is inclined to enlarge the petitioners on bail subject to imposing conditions.

6. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one surety shall be a local surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Virudhachalam, Cuddalore District and on further conditions that:-

[a] 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m, until further orders.



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/05/2022

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.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.



6 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON,
CUDDALORE.

7 THE OFFICER INCHARGE,
SUB JAIL, CUDDALORE.

+1 CC to M/S.M.PALANIMUTHU Advocate on payment of necessary
charges SR.NO. 7400

+1 CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary
charges SR.NO. 7385

CRL OP.Nos.11264 & 11905 /2022

Date :19/05/2022

RW 19/05/2022