



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.13820 of 2022

1.Thirupathi
2.Murugan

..Petitioners/A1 & 2

Vs.

The State rep by its
Inspector of Police,
Bargur Police Station,
Bargur,
Krishnagiri District
crime No.93 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.93 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Saikumaran

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.04.2022 for the offence punishable under Section 174 of Cr.P.C. altered into Sections 302 & 201 of of IPC in crime No.93 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that on 06.04.2022 at about 8.00 a.m., on information, the defacto complainant found the dead body of his brother and a case was registered under Section 174 of Cr.P.C. Thereafter, on investigation it was found that since the deceased had tortured the sister of the petitioners, they committed this offence by giving poisoned alcohol to the deceased.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners' sister was married to the deceased and thereafter the deceased often tortured their sister. Therefore, the petitioners/A1 & A2 gave poisoned alcohol to the deceased and threw the body in the nearby lake. He would further submit that the investigation has been completed and charged sheet has been laid before the Magistrate concerned.

5. It is seen that the petitioners are brothers. Their sister was tortured by the deceased and due to that motive, the petitioners strangled the deceased using rope and threw the body into the lake nearby.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e. 08.04.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Krishnagiri 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. and 05.30 p.m. until further orders.

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

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
20/06/2022

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, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
BARGUR, KRISHNAGIRI DISTRICT.

4 THE OFFICER INCHARGE
SUB PRISON, DHARMAPURI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.SAIKUMARAN Advocate on payment of necessary charges SR.NO.9521

CRL OP.13820/2022

Date :20/06/2022

JPA 20/06/2022