



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.14100 of 2022

- | | |
|--------------|-------------------------|
| 1. Murthy | ...Petitioner/Accused 4 |
| 2. Saravanan | ...Petitioner/Accused 5 |

Vs.

State represented by	... Respondent/Complainant
The Inspector of Police,	
T-13, Kundrathur Police Station	
Chennai District	
(Crime No. 256/2022)	

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioners on bail pending investigation in Crime No. 256 of 2022 on the file of the respondent police.

For Petitioners	: M/s. R.S.Indira
For Respondent	: Mr. S.Balaji Government Advocate (Crl. Side)
For Intervenor	: Mr. K.Anandha Raja

ORDER

The petitioners/accused Nos. 4 & 5, who were arrested and remanded to judicial custody on 15.04.2022 for the alleged offence under Sections 120(b), 294(b), 307, 506(ii) of I.P.C in Crime No.256 of 2022 on the file of the respondent police, seek bail.

2. Earlier bail application had been dismissed by this Court by an order dated 01.06.2022 in Crl.O.P.No. 11888 of 2022. The case of the prosecution was that the husband of the defacto complainant is alleged to have been an accused in the murder of Kumaran, who was a brother of the petitioners herein. Taking that as a motive, the



petitioners appear to have engaged other persons who had caused injuries to the defacto complainant, necessitating registration of Crime No. 256 of 2022 by the respondent police. The accused Nos. 1 to 3 had already been granted bail. This Court during the previous occasion was concerned with the non taking into custody of A-6, who was admittedly a contract person engaged to carry out the assault against the defacto complainant.

3. It is informed today that A-6 had been taking into custody on 02.07.2022. The matter had been coming up as stated on several occasions and on behalf of the defacto complainant there has been representations stating that they would file intervening application. But however, the intervening application has not been filed today also. A learned counsel had appeared and stated that the intervening application has actually been filed it. I shall not hold over the bail application any further since it had been pending on the file of this Court for nearly about two weeks.

4. It is seen that the petitioners herein /A-4 and A-5 have been in custody for nearly 80 days and the investigation has been completed and by securing into custody of A-6, the respondent would now be able to file the final report.

5. It had been the contention of the learned counsel for the intervener that the attack on the defacto complainant was quite gross and violent. However she has been discharged from hospital. There has been changes in circumstances from the dismissal of the earlier bail application particularly, the discharge of the defacto complainant from the hospital and also securing into custody of A-6. This Court is inclined to enlarge the petitioners on bail by subjecting them to stringent conditions.

6. In view of the above discussion, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned District Munsiff cum Judicial Magistrate, Sriperambathur 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/-
06/07/2022

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 DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, SRIPERAMBATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-13, KUNDRATHUR POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.DHANRAJ Advocate on payment of necessary charges
SR.NO.10808

CRL OP.14100/2022

Date :06/07/2022

TA-06/07/2022