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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

CrI.OP.Nos.14748 & 14749 of 2022

CrI.OP.No.14748 of 2022

1.Vasantha
2.Prathap

..Petitioners/A1 & 2

Vs.

State by
The Inspector of Police,
T4-Maduravoyal Police Station,
Chennai District
crime No.272 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.272 of 2022
pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Sasikumar

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

CrI.OP.No.14749 of 2022

Rajeswari

..Petitioner/A3

Vs.

State by
The Inspector of Police,
T4-Maduravoyal Police Station,
Chennai District
crime No.272 of 2022

..Respondent



Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.272 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Sasikumar

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.05.2022 for the offence punishable under Section 174 Cr.P.C. altered into Sections 302, 120(b), 201 of IPC in crime No.272 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the deceased committed suicide by hanging on 15.05.2022 and initially the case was registered under Section 174 of Cr.P.C.

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 deceased was a drunkard and after consuming alcohol, he used to assault A1. On that motive, A1 and A2 planned to murder. As such they murdered him by tying nylon rope around his neck. A3, who is the daughter of the deceased, was waiting outside at that time. On the complaint lodged by another daughter of the deceased, the case was registered.

5. The petitioners are wife, son in law and daughter of the deceased. The deceased whenever came to home, he used to come with the influence of alcohol and he used to torture the first accused who is being the wife of the deceased. Therefore, the wife, daughter and son-in-law of the deceased murdered the deceased by tying nylon rope around his neck. Though initially case has been registered under Section 174 of Cr.P.C., thereafter altered into Sections 302, 120(b) and 201 of IPC.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, 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) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Poonamallee and on further conditions that:

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[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.

-sd/-

27/06/2022

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
T-4 MADURAVOYAL POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
SR.NOs.10023+10022

CRL.OP.NOs.14748&14749/2022

Date :27/06/2022

CSK 28/06/2022