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CrI.OP.No.17854 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

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

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1.C.Mari @ Mariappan
2.K.Johnson
3.S.Siva @ Sivanantham
4.D.Aathiappan
5.K.Senthil

...Petitioners

Vs.

State rep by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.277 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail pending investigation in Crime
No.277 of 2022 on the file of Respondent Police.

For Petitioners : Mr.R.Sasikumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 22.05.2022 for the offences punishable under Sections 147,



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148, 294(b), 324 and 302 of IPC in crime No.277 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with some other persons murdered the *de-facto* complainant's son due to money dispute. Hence, the case.

3. The learned counsel for the petitioners would submit that the real fact is that the second accused received a sum of Rs.30,000/- from one, Valarmathi and on 22.05.2022, the husband of the said Valarmathi and the deceased went to the house of A2 and demanded money. But A2 and her husband started quarrelling with them. At that time, A1 and his friends assaulted the deceased. He would further submit that only on suspicion, the petitioners were arrested and they are no way connected to this case. Hence, he seeks for grant of bail of the petitioners.

4. The learned Additional Public Prosecutor submitted that on the date of occurrence, the deceased and the husband of one Valarmathi went to the house of A2 to demand their money. At that time, there was a



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wordy quarrel, pursuant to which the accused persons attacked the deceased, thereby he sustained injuries and thereafter died. He would further submit that the first petitioner, who has three previous cases, attacked with knife on ear, the second petitioner, who has four previous cases, attacked with iron rod on head, the third petitioner, who has one previous case, attacked with iron rod on face, the fourth petitioner, who has one previous case, attacked with knife on the neck, and the fifth petitioner, who has two previous cases, attacked with iron rod on head. Hence, he vehemently opposed to grant bail to the petitioners.

5. 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., 22.05.2022, 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Udumalpet**, 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 twice daily at 10.30 a.m. and 5.30 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.

01.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate I,
Udumalpet.
- 2.The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
- 3.Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

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