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Crl.O.P.Nos.18590 & 18667 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.O.P.Nos.18590 & 18667 of 2022

Seenu ... Petitioner in Crl.O.P.No.18590 of 2022

1.Veerasley
2.Vicky @ Vignesh ... Petitioners in Crl.O.P.No.18667 of 2022

Vs.

The State of Tamilnadu
rep by Inspector of Police
Vadaponparapi Police Station, Cr.No.113 of 2022
Villupuram District. ... Respondent in both Crl.O.P.'s

PRAYER in both Crl.O.P.'s:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Cr.No.113 of 2022 on the file
of Vadaponparapi Police Station, pending investigation.

For Petitioners
in both Crl.O.P.'s : Mr.M.Devaraj

For Respondent
in both Crl.O.P.'s : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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COMMON ORDER

The petitioners/A1 & A2, who surrendered and remanded to judicial custody on 27.06.2022 and petitioner/A3, who was arrested and remanded to judicial custody on 29.06.2022 for the offences punishable under Section 174 (iii) of Cr.P.C. @ Sections 201, 302 and 343 of IPC in Crime No.113 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the VAO of Pakkam Village had in his complaint dated 22.06.2022 has alleged that in the graveyard of Pakkam Village, a pit has been dug in the graveyard, which was noticed by the general public on 19.06.2022 and on enquiry, came to know that no one in the said village or the adjacent village had died. Based on which, the complaint was registered and on 22.06.2022 at about 4.15 p.m., the said pit was excavated and the dead body of a woman aged about 50 years was found.

3. There are totally 3 accused, in which the petitioners are arrayed as A1 to A3. A1 and A2 gave money to the deceased to supply rice. Thereafter, the deceased neither supplied rice nor returned the



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money. Therefore, all the accused joined together and taken the deceased to the A1's house and thereafter strangled her by saree and thrown her body out.

4. The learned counsel appearing for the petitioners submitted that A1 and A2 themselves surrendered before the concerned Court. Only on their confession, the case has been now altered under Section 302 of IPC. He further submitted that there is no eye witness and only on the circumstantial evidence, the petitioners were implicated in this case.

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, 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 blood related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Sankarapuram**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The Judicial Magistrate Sankarapuram.
2. The Inspector of Police
Vadaponparapi Police Station,
Villupuram District.
3. Central Prison Cuddalore.
4. The Public Prosecutor,
High Court of Madras

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