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Crl.O.P.No.18916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

Crl.O.P.No.18916 of 2022

1.Gowrishankar
2.Vignesh @ Vigneshwaran
3.Vijay

...Petitioners

Vs.

The State rep by
The Inspector of Police,
Bangalapudur Police Station,
Erode District.
Crime No.187 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 connection with the case in Crime No.187 of 2022 on the file of the respondent.

For Petitioners	: Mr.M.Karthik
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor



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ORDER

The petitioners/A1, A3 & A4, who were arrested and remanded to judicial custody on 30.05.2022 for the offences under Sections **279 and 304(A) of IPC @ 120(B), 302 and 201 of IPC** in crime No.187 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that 1st petitioner had illegal intimacy with one Maheshwari/A2. While being so, 1st and 2nd petitioners along with A2 entered into criminal conspiracy to commit murder of the deceased Lohanathan, who is the husband of A2. The 1st petitioner attacked the deceased with concrete stone on the back side of his head and 2nd petitioner was holding the legs of the deceased and committed the murder. Subsequently, A1 to A3 with the help of A4/3rd petitioner herein had removed the body of the deceased from the place of occurrence and thrown it on the side of the road and projected it as an accident. Hence, the case.



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3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. That apart, the petitioners have been suffering incarceration from 30.05.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submits that, the petitioners are arrayed as A1, A3 and A4. A2 had illegal intimacy with A1. When the same was questioned by the deceased, A1 and A2 decided to do away the deceased and thereby engaged A3 and A4 to commit the murder. Hence, he opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners ie., from 30.05.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, 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)** with **two blood sureties**, each for a like sum to the



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satisfaction of the learned **Judicial Magistrate, Gobichettipalayam** 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]petitioners shall stay at Cuddalore and report before the Reddichavadi Police Station twice daily at 10.30 and 04.30.p.m.m for a period of four weeks and thereafter report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of six weeks and thereafter as and when required for interrogation;

[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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10.08.2022

sma

To:

1. Judicial Magistrate,
Gobichettipalayam.
2. The Inspector of Police,
Bangalapudur Police Station,
Erode District.
3. Central Prison,
Gobichettipalayam.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

sma

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