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Crl.O.P.Nos.20210 & 20213 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2022

CORAM

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

Crl.O.P.Nos.20210 & 20213 of 2022

Murugesh ... Petitioner in Crl.O.P.No.20210 of 2022

Kumar ... Petitioner in Crl.O.P.No.20213 of 2022

Vs.

State Rep. by The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri 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 Crime No.213/2022 pending
investigation on the file of the respondent.

For Petitioner
in both Crl.O.P.'s : Mr.E.Kannadasan

For Respondent
in both Crl.O.P.'s : Mr.A.Damodaran,
Additional Public Prosecutor



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COMMON ORDER

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 05.06.2022 for the offences punishable under Section 302 of IPC in Crime No.213 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the *de-facto* complainant's son/deceased and A1's sister wherein love with each other. They got married without the consent of the A1's family. Therefore, there was a previous enmity between them. On 04.06.2022, at about 5.30 p.m., the *de-facto* complainant's sister's son contacted the wife of the deceased and informed her that her husband's body was found in the B.Kothtapalli – Thigarasanapalli Road in the field of Vasanthamma. On suspicion over the A1, the *de-facto* complainant lodged a complaint as against the petitioners and another accused person.

3. There are totally 3 accused, in which the petitioners are arrayed as A1 and A2. The case of the prosecution is that sister of the A1 got married with the deceased. Therefore, there was enmity between



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them and as such, the petitioners attacked the deceased with deadly weapons and he died. There is no eye witness. Only on the circumstantial evidence, the petitioners were arrested and remanded to judicial custody.

4. 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., 05.06.2022, 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 blood related sureties**, each for a like sum to the satisfaction of the **learned J.M. No.I, Hosur**, 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 stay at Chennai and report before the Inspector of Police, Egmore Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m.,



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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.

25.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The J.M. No.I, Hosur.
- 2.The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
- 3.Sub Jail, Hosur.
- 4.The Public Prosecutor,
High Court of Madras

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