



Crl.OP.No.21430 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Thanikaimalai

2. Suresh

3. Vignesh

... Petitioners

Vs.

The State represented by ,
The Inspector of Police,
Dusi Police Station,
Tiruvannamalai.
(Crime No.297/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.297 of 2022 on the file
of the respondent Police.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.07.2022 for the offences punishable under Section 302 & 506 (2) of IPC, in Crime No.297 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased, who is the de-facto complainant's husband namely, Murugan, had committed sexual assault on the minor daughter of the first accused and on retaliation, the petitioners along with other accused have conspired to do away with the said Murugan and they have done the said Murugan to death. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case only on suspicion. He would also submit that the similarly placed accused in this case has been granted with bail by this Court in Crl.O.P.No.20793 of 2022 vide order dated 01.09.2022 and thereby, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that there are totally 5 accused in this case and the petitioners are arrayed as A1 to A3. He would further submit that due to previous enmity on account of the deceased committing sexual assault on the daughter of the first accused, the petitioners along with other accused had committed murder on the de-facto complainant's husband. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of 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 bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Cheyyar**, 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 stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, every day morning at 10.30 a.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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To

1. The Judicial Magistrate,
Cheyyar.
2. The Inspector of Police,
Dusi Police Station,
Tiruvannamalai.
3. The Superintendent,
Central Prison,
Vellore.
4. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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