



Crl.O.P.No.24807 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

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

Crl.O.P.No.24807 of 2022

1. Prabakaran
2. Lakshman @ Abu

... Petitioners

Vs.

The State rep.by
Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
Cr. No.213/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.213 of 2022 on the file
of Respondent Police.

For Petitioners : Mr.S.Parthasarathy

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 23.07.2022, for the offences punishable under Section 174 or Cr.P.C., @ 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 on 19.07.2022, the Village Administrative Officer, had lodged a complaint with the respondent police alleging that the Village Assistant Nagaraj had informed that two male bodies were found at Ganganipet, Athiyamankottai, Dharmapuri jalli crusher on the Hill at Pagalpatti to Anjaneyar temple. On investigation, it was found that the deceased are one Sivakumar and Neville G.Kurus, who are the residents of Kerala, and a Maruthi car was also found near the body. Initially a case was registered for the offences under Section 174 of Cr.P.C., and later based on the confession of the petitioners that one Nandhakumar and his friend Ilango on the guise of finding out antique material (Rice Pulling) were doing illegal business and in the business dealing, the said Nandhakumar along with his



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friends have alleged to have murdered the deceased persons and they had engaged the car of the 1st petitioner and the 2nd petitioner is the driver of the said car, who had driven the car along with the bodies

3. The learned counsel appearing for the petitioners would submit that originally a case was registered for the offence under Section 174 of Cr.P.C., based on the complaint given by the Village Administrative Officer of Poothanahalli, Dharmapuri District. During the course of investigation, it came to light that the deceased were murdered on account of previous enmity between A1 and the deceased on account of the deceased cheating A1 in rice pulling deal. He would further submit that it is the case of circumstantial evidence and the petitioners have no role to play in the murder. He would also state that the petitioners are in custody from 23.07.2022 and that the major part of the investigation is over. Therefore, he prays for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are arrayed as



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A8 and A9. He would also submit that it is the case where on account of previous enmity on the deceased cheating A1 in the guise of rice pulling deal, the accused have brought the deceased to a lodge in Mettur and in the room, they have committed the murder of the deceased and thereafter, they have taken the bodies in a Maruthi Shift car and thrown the bodies in a village in Dharmapuri District to screen the evidence. He would further submit that the allegations as against the 1st petitioner is that he has provided the car for transporting the bodies and the 2nd petitioner is the driver of the car, who had driven the car along with the bodies. He would also state that the petitioners are well aware of the murder and that as far as the 1st petitioner is concerned, he has got one previous case for the offence under Section 307 of IPC on the file of the Jolarpet Police Station. Therefore, he vehemently opposed to grant bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also taking note of the fact that it is a case of circumstantial evidence and further the allegation as against the 1st petitioner is that he has provided the car and 2nd petitioner has driven the car and also the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Dharmapuri**, 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 report before the respondent Police, daily at 10.30 a.m. and 05.30 p.m., until further orders;



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[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.

13.10.2022

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To

1. The Judicial Magistrate-II, Dharmapuri.
2. The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
3. The Central Prison,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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