



Crl.O.P.No.27366 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.O.P.No.27366 of 2022

1. Shanmugam

2. Annadurai

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

(Crime No.235/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioners on bail in connection with the Crime No.235
of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.R.Thangavel

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 20.09.2022, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 of IPC in Crime No.235 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on account of the de-facto complainant's husband/victim having illicit intimacy with the wife of the first accused, A1 along with his family members have gone to the house of the de-facto complainant and questioned the victim. At that time, there was a quarrel between them and the accused have abused the victim in a filthy language and assaulted him with iron rod, wooden logs and hands, due to which, he sustained grievous injuries and died. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent. He would also submit that the victim was having an illicit intimacy with the wife of the first petitioner and when the first petitioner along with the others have questioned the same, there was a quarrel



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between them and during such time, this incident had happened. He would also submit that there is no intention on the part of the petitioners to commit murder of the victim. He would also state that the co-accused in this case have been granted bail by this Court in Crl.O.P.No.26976 of 2022 dated 04.11.2022 and the petitioners are in custody from 20.09.2022 and there is no bad antecedents as against them. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners along with other accused have assaulted the de-facto complainant's husband with iron rod, wooden log and hands, during the quarrel on account of the dispute regarding the illicit intimacy of the de-facto complainant's husband with the wife of the first accused, due to which, he sustained injuries and died. He would further submit that there is no previous case as against the petitioners. However, he oppose for grant of bail to the petitioners.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) 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 also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Vellore** 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;



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[b] the petitioners shall stay at Chidambaram and report before the Inspector of Police, Chidambaram Town Police Station, everyday at 10.30a.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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To

1. The Judicial Magistrate No.I,
Vellore.
2. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
3. The Vellore Central Prison,
Thorapadi.
4. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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