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CrI.O.P.No.27724 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

CrI.O.P.No.27724 of 2022

1. Kupendhiran

2. Nagappa @ Naga

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Eriyur Police Station.

(Crime No.124 of 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.124
of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Senthil

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



Crl.O.P.No.27724 of 2022

WEB COPY

ORDER

The petitioners, who was arrested and remanded to judicial custody on 16.09.2022 for the alleged offences punishable under Sections 174 Cr.P.C., @ 120(B), 201 & 302 of IPC, in Crime No.124 of 2022 on the file of the respondent Police, seeks bail.

2. Based on the complaint given by the de-facto complainant/Village Administrative Officer of Nagamarai Village, that the body of the unknown person was found near the Cauveri river, the case came to be registered under Section 174 Cr.P.C and later, during the course of investigation, it was found that the dead person was one Sivapasavanna and there was a property dispute between the deceased and A3, who is the brother of the deceased and due to which, A3 by arranging henchmen had committed murder of the deceased by giving him poison and strangulating his neck with towel and hidden the corpse near Piligundu forest area. Then the case has been altered to one under Sections 120(B), 201 & 302 of IPC.



Crl.O.P.No.27724 of 2022

WEB COPY

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence and they were arrested only based on the suspicion and later based on their confession, the respondent Police have remanded them in this case. He would further submit that even as per the First Information Report, there is no eye witness to the occurrence. He would also state that the petitioners were arrested on 16.09.2022 and they 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 are the henchmen of A3, who is the brother of the deceased. He would further submit that due to the property dispute between A3/Sampathkumar and the deceased, A3 had arranged henchmen and planned to do away with his brother, thereby, committed murder of him by giving poison and strangulating his neck with towel and hidden the corpse near Piligundu forest area, whereas the body of the deceased was found in Nagamarai Muniyappa Temple near the bank of



Crl.O.P.No.27724 of 2022

river Cauveri. He would also state that the investigation is pending and would vehemently oppose for grant of 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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also considering the period of incarceration undergone 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)**each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Pennagaram** and on further conditions that:



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Crl.O.P.No.27724 of 2022

[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, everyday at 10.30 a.m. and 5.30p.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.

11.11.2022

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Crl.O.P.No.27724 of 2022

WEB COPY

To

1. The Judicial Magistrate,
Pennagaram.
2. The Inspector of Police,
Eriyur Police Station.
3. The Sub Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27724 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.27724 of 2022

11.11.2022