



Crl.O.P.No.28337 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

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1. Vanitha

2. Velmurugan

3. Sankar

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore.
(Crime No.659 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/Accused 1-3 on bail in Crime No.659 of
2022 pending investigation, on the file of the respondent.

For Petitioners : Mr.S.C.Vishwanth

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 10.10.2022 for the offences punishable under Section 302 of IPC in Crime No.659 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the husband of the de-facto complainant/deceased had developed an illegal affair with the minor daughter of A1, due to which she become pregnant, regarding the same, there was a quarrel between the deceased and the accused and during which, the accused had assaulted him knife, causing severe cut injuries in his neck, due to which, he died instantaneously. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are respectively mother of the minor victim girl/A1, A2/ brother of A1 and A3/friend of A2. He further stated that the minor daughter of the first petitioner was ravished by the husband of the de-facto complainant/deceased and based on the complaint given by the minor victim girl a case in Crime No.660 of 2022 has been registered for the offence under Sections 5(l), 5(j)(ii) & 6 of POCSO Act, 2012, against the deceased. He



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further submitted that the first petitioner along with others, in a fit of rage, had questioned the deceased and during such time, there was a quarrel between them and during quarrel, the incident had happened. He further stated that the petitioners did not have any intention to commit murder of the de-facto complainant's husband and the incident had happened unfortunately. He also stated that major part of the investigation is over and the petitioners are in custody from 10.10.2022. He further submitted that the daughter of the first petitioner was ravished by the deceased, she become pregnant and the first petitioner, being the mother has to take steps to abort the pregnancy. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that since the daughter of the first accused being ravished by the deceased, the petitioners have committed murder of him. Hence, he opposed to grant bail to the petitioners.

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



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6. Taking into consideration the facts and the 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.III, Cuddalore** 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 first petitioner shall report before the respondent Police, everyday at 10.30 a.m., and the second and third petitioner shall stay at Salem and report before the Inspector of Police, Salem Town Police Station, everyday, at 10.30 a.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 petitioner 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.III,
Cuddalore.
2. The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore.
3. The Central Prison, Cuddalore.
4. The Inspector of Police,
Salem Town Police Station,
Salem.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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