



Crl.O.P. Nos. 30997 & 30999 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P. Nos. 30997 & 30999 of 2022

1. Sathiyaraj,
S/o. Durai

2. Pandiyarajan,
S/o Rajendran

... Petitioners in
Crl.O.P.No.30997/2022

Sarathkumar,
S/o. Mani

... Petitioner in
Crl.O.P.No. 30999/2022

Versus

State rep. by
Inspector of Police,
Mangalam Police Station,
Tiruvannamalai Dt.

... Respondent
in both Crl.O.P.s

COMMON PRAYER : Criminal Original Petitions filed under Section 439

of the Code of Criminal Procedure, praying to enlarge the petitioners on bail



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in Crime No.202 of 2022 pending investigation on the file of respondent police.

For Petitioners in
both Crl.O.P.s : Mr.N.Manoharan

For Respondent in
both Crl.O.P.s : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.10.2022 for the alleged offences under Sections 202, 203, 212 and 229(A) I.P.C. in Crime No.202 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that as per the complaint, on 29.10.2022 at 08.00 p.m. When her husband went to a cinema cheatre in his two wheeler, he did not come back till 06.00 a.m. And that she came to know about a fact that her husband was found with bloodstains near Mangalam lake bund. Hence, the complaint.

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3. The learned counsel for the petitioners submitted that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 46 days from 30.10.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that in order to get back from A1 pending POCSO trial, the accused with the help of his wife, he has lodged a false complaint stating that her husband Manikandan sustained injury in a road accident. For the said drama, the other accused have helped them and they were impleaded under Sec.229 of I.P.C. After the investigation, they have also came to know that wife also played the main role, and for such fraud, a complaint was lodged. He would submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and the



investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the submissions of defacto complainant and also considering the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and the presence of defacto complainant is recorded.

7. Accordingly, the petitioners are ordered to be released on bail on executing their separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate No.2, Tiruvannamalai*, 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 appear before the respondent police on every Tuesday and Saturday at 10.30 a.m. for the period of three months.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To
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- 1.The Judicial Magistrate No.2, Tiruvannamalai.
- 2.The Inspector of Police,
Mangalam Police Station, Tiruvannamalai.
3. The Superintendent
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras



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T.V.THAMILSELVI, J.

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