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Crl.O.P.No.32459 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2022

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

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1. Naveen Kumar
S/o.Madesh
2. Saravanan
S/o.Nagaraj
3. Madesh
S/o.Muniellappa
4. Raghu
S/o.Muniraj
5. Sunil
S/o.Jayappa
6. Bharath
S/o.Rajendiran

...Petitioners

Vs.

State rep. by
The Inspector of Police,
HUDCO Police Station,
Hosur, Krishnagiri District.
(Crime No.294 of 2022)

...Respondent



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PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail arrest in pending investigation in connection with the Crime No.294 of 2022 on the file of respondent police.

For Petitioners : Mr.G.Mohammed Aseef

For Respondent : Mrs.G.V.Kasthuri
Addl. Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.10.2022 for the offence under **Section 302 of I.P.C., @ Section 120(B), 147, 148, 302 of IPC** on the file of respondent police in Crime No.294 of 2022, seeks bail.

2. The case of the prosecution is that the defacto complainant's husband Murali was murdered by the petitioners and it was a retaliation



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murder for taking revenge of deceased, Murali murdered one Udayakumar on 28.02.2022. For taking revenge for the murder of the Udayakumar, the

petitioners planned to murder Murali and accordingly, arranged a tour along with deceased Murali, thereby, they brutally murdered him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that only due to previous enmity, the defacto complainant lodged a present false complaint. He would submit that the petitioners herein are not habitual offenders and they are no way connected with the offences. He would further submit that the investigation is almost completed and the petitioners have been suffering incarceration for more than 75 days from 10.10.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor raised serious objection stating that the investigation is not completed and so far 18 witnesses were examined. She would submit that if the petitioners are released on bail, they would hamper the investigation and tamper the witnesses. Hence, she



strongly opposed to grant bail to the petitioners.

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5. Considering the period of incarceration undergone by the petitioner and considering the fact that already eighteen witnesses have been examined, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on his executing bond 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-II, Hosur* 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 appear before respondent



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police daily at 10.30 a.m. until further orders.

(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.

28.12.2022

rpp/skt

To

1. The Judicial Magistrate-II, Hosur.
2. The Inspector of Police,

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HUDCO Police Station,
Hosur, Krishnagiri District.

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3. The Superintendent of Prison,
Central Jail, Salem.
4. The Public Prosecutor,
High Court, Madras

A.A.NAKKIRAN,J.

Rpp/skt

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