



Crl.O.P.No.1583 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

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1. Sunil Kumar,
S/o. Devaraj

2. Sathish,
S/o. Venkatesh

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Thally Police Station,
Krishnagiri Dt.
(Crime No.291 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.291 of 2022 on the file of respondent police.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.11.2022 for the alleged offence punishable under Section 302 of I.P.C. in Crime No.291 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioners are friends of A1 and due to previous enmity, the petitioners along with other accused said to have attacked deceased with knife, thereby he sustained serious injuries and subsequently died. Hence, the complaint.

3. The learned counsel appearing for petitioners would submit that since the petitioners are friends of A1 and only on the basis of suspicion, these petitioners were falsely implicated as accused in this case and there is no specific overtact against the petitioners. He would submit that they are unnamed accused in this case and there is no independent eye witness. He would submit that they are all innocent persons and they are no way connected with the occurrence. He would



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submit that the petitioners have been suffering incarceration for more than 60 days from 25.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that totally, there are 3 accused involved in this case and the petitioners are arrayed as A2 and A3. He would submit that due to previous enmity, the petitioners along with other accused murdered deceased and no previous cases pending against them. He would submit that the investigation is almost completed and if they are released on bail, they would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioners.

5. On seeing the facts, it reveals that as per prosecution, the petitioners are friends of A1 and due to previous enmity, A1 attacked deceased with knife, thereby he sustained serious injuries and died. However, according to the petitioners, since they are friends of A1, they were implicated as accused in the F.I.R. and their names are not found in F.I.R. Considering the above facts and circumstances and also the fact



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that the investigation is almost completed, and also no previous case pending against the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are **directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) jointly into the credit of Crime No.291 of 2022 and the defacto complainant is permitted to withdraw the deposit amount** and on such deposit, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Denkanikottai** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 Tiruvannamalai and appear before the Town Police Station, Tiruvannamalai daily at 10.30 a.m for the period of two months and thereafter, they shall report before the respondent police daily at 10.30 a.m. for another period of two months.

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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To
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- 1.The District Munsif cum Judicial Magistrate,
Denkanikottai.
- 2.The Inspector of Police,
Thally Police Station,
Krishnagiri Dt.
- 3.The Superintendent of Prison
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.



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T.V.THAMILSELVI, J.

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