



Crl.O.P.No.3649 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2023

CORAM :

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

Crl.O.P.No.3649 of 2023

1. Thangaraj
S/o. Manickam
2. Manickam,
S/o. Lakshmanan

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Yercaud Police Station,
Salem Dt.
(Crime No.264 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.264 of 2022 pending on the file of respondent police.



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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.12.2022 for the alleged offence under Sections 341, 294(b), 324 and 506(ii) of I.P.C. and subsequently altered into Sections 341, 294(b) and 302 of I.P.C. in Crime No.264 of 2022 on the file of the respondent police, seek bail.

2. The case of prosecution is that as the defacto complainant and 1st petitioner's wife had illegal relationship, the petitioners have questioned her, due to which, on 09.12.2022 at about 08.30 p.m. when the defacto complainant returning to his house in a two wheeler at Narthasedu to Kuppipadi Road, at that time, the petitioners intercepted his vehicle, thereby attacked him with knife, resulting in which, he sustained injuries and admitted in a Government Hospital at Salem for treatment and subsequently he died. Hence, the complaint was registered against the petitioner.



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3. The learned counsel appearing for petitioners submitted that the 1st petitioner is son of 2nd petitioner and the entire allegation is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 65 days from 11.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally there are two accused and both were arrested and the petitioners are arrayed as A1 and A2. He would submit that as the deceased having affair with A1's wife, which was questioned by him, thereby he attacked him with iron rod and he was admitted in hospital and subsequently he died. He would submit that no previous case pending against them and a charge sheet was filed. He would submit that



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if they are released on bail, he would 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 above facts and circumstances, and also considering the fact that the investigation almost completed and the charge sheet has been filed and no previous case pending against them and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, 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, Yercaud**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned



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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 daily at 10.30 a.m. for the period of three 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

1. The District Munsif cum Judicial Magistrate,
Yercaud.
2. Inspector of Police,
Yercaud Police Station,
Salem 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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Crl.O.P.No. 3649 of 2023

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