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CrI.O.P.No.5168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

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

CrI.O.P.No.5168 of 2023

1. Rajaram

2. Kugan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Jamunamarathur Police Station,
Tiruvannamalai District.

(Crime No.06 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/A1 & A2 on bail, in connection with the
Crime No.06 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.G.Saravanan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.01.2023, for the offences punishable under Sections 174 Cr.P.C., @ 302, 201 and 120(B) of IPC, in Crime No.06 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Sasikala, is that her husband was found dead with injuries all over the body. On the complaint given by her, a case in Crime No.06 of 2023 came to be registered under Section 174 Cr.P.C., and later, during the course of investigation, it was found that the accused have committed murder of the *de-facto* complainant's husband. Thereby, the case has been altered to one under Sections 302, 201 and 120(B) of IPC. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, aged about 26 and 20 years respectively and they have been falsely implicated in this Case. He further submitted that absolutely there is no eye-witness to the occurrence and the petitioners have



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been implicated in this case, only based on the suspicion, since they had enmity with the deceased on account on smuggling of red sanders in Andhra Pradesh. He also submitted the the petitioners are in custody from 11.01.2023, hence, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners along with other accused, on account of the enmity with regard to smuggling of red sanders, have committed murder of the *de-facto* complainant's husband. He further submitted that no previous case is pending against these petitioners, however, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioners and taking note of the fact that there is no previous case against these petitioners



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and also considering their period of incarceration, 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.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Polur, 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;

[b] the petitioners shall stay at Cuddalore and report before the Inspector of Police, Old Town Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

[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;



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[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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

06.03.2023

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To

1. The Judicial Magistrate,
Polur, Tiruvannamalai.
2. The Inspector of Police,
Jamunamarathur Police Station,
Tiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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