



Crl.O.P.No.5223 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

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

Crl.O.P.No.5223 of 2023

1. Udayasuriyan

2. Pandiyan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.

(Crime No.346 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, in connection with the Crime
No.346 of 2022, pending investigation on the file of the respondent Police.

For Petitioners : Mr.G.P.Sivakumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.5223 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.12.2022, for the offences punishable under Sections 174 Cr.P.C., @ 302 of IPC, in Crime No.346 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Lalitha, is that her son, on 24.12.2022, had gone to the agricultural field and did not come back. Later, on 27.12.2022, her son was found dead near the small pond in their village. On the complaint given by her, a case in Crime No.346 of 2022 came to be registered under Section 174 Cr.P.C., and later, during the course of investigation, it came to light that on account of the illicit intimacy of the de-facto complainant's son with the wife of the first accused, the first accused along with his friends have committed murder of the *de-facto* complainant's son and thrown his body near the small pond. Thereby, the case has been altered to one under Section 302 of IPC. Hence, the case.



Crl.O.P.No.5223 of 2023

WEB COPY

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, aged about 27 and 24 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 been implicated in this case, since the respondent has suspected that the petitioners are friends of A1 and they might have helped him. He also submitted the the petitioners are in custody from 29.12.2022, hence, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners, who are arrayed as A2 & A3 respectively, along with other accused, have committed murder of the *de-facto* complainant's son, on account of the victim having illicit affair with the wife of the first accused. He further submitted that investigation in this case has been completed and awaiting for the opinion from the legal adviser, 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.



Crl.O.P.No.5223 of 2023

WEB COPY

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioners and also considering the period of incarceration undergone by the petitioners, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Cheyyar**, 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 Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



Crl.O.P.No.5223 of 2023

[d] the petitioners shall not tamper with evidence or witness 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]***;

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

08.03.2023

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To

1. The Judicial Magistrate,
Cheyyar.
2. The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.5223 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.5223 of 2023

08.03.2023