



Crl.O.P.Nos.5630 & 5631 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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

Crl.O.P.Nos.5630 & 5631 of 2023

Venkatesan @ Mari .. Petitioner in Crl.O.P.No.5630 of 2023

Prabhu .. Petitioner in Crl.O.P.No.5631 of 2023

Vs.

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

(Crime No.2 of 2023). ... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail, in connection with the Crime No.2 of 2023, pending investigation on the file of the respondent Police.



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In both Crl.O.Ps.

For Petitioners : Mr.A.Saranraj
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.01.2023 for the offences under Sections 302 and 109, in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution as per the defacto complainant Murugan, who is the husband of the deceased namely Vijayalakshmi is that there was a previous enmity between the petitioners and the defacto complainant. While so, on 25.12.2022, the accused had a fight with the wife of the defacto complainant/victim and threatened her and thereafter, on 02.01.2023 at around 7.45 a.m., when the victim was going in her Honda Dio two wheeler bearing Registration No.TN 97 2665, accused had dashed against her two wheeler, with his Maruti Alto bearing Registration No. TN 97 X 9472, resulting in which the deceased sustained injuries. Later, the deceased was taken to the hospital, where, she was declared brought dead. Hence the complaint.



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3. Learned Counsel for the petitioner submitted that the petitioner in Crl.O.P.No.5630 of 2023 is arrayed as A2 and the petitioner in Crl.O.P.No.5631 of 2023 is arrayed as A1 in this case. He further submitted that there was an enmity between the petitioners and the defacto complainant on account of liquor business, whereas, the defacto complainant's wife met with an accident and she was found dead and the defacto complainant has given a false complaint as if the petitioners were responsible for the accident. He also submitted that the petitioners are in judicial custody from 03.01.2023 and hence, he prays for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners, A1 & A2 respectively, and the defacto complainant are doing liquor business and due to the previous enmity, A1 had driven the Maruti Alto bearing Registration No. TN 97 X 9472 accompanied with A2 and dashed against the two wheeler which was driven by the deceased, who is the wife of the defacto complainant and committed the murder. He further submitted that there are 29 previous cases as against A1, petitioner in Crl.O.P.No.5631 of 2023 and in respect of the



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A2/petitioner in Crl.O.P.No.5630 of 2023, there are 39 previous cases.

Hence, he opposed for grant of bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners submitted that apart from the cases registered under Prohibition Act, the petitioners do not have any case registered for the offence under Indian Penal Code. Hence, he prays for grant of bail to the petitioners.

6. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioners and also considering that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, each of the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees**



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Ten thousand only) with two sureties, each for a like sum to the satisfaction of the **learned District Munsif cum 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 Trichy and report before the Inspector of Police, Palakarai Police Station, daily twice 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;

[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]*;



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

16.03.2023

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To

- 1.The District Munsif cum Judicial Magistrate,
Cheyyar.
- 2.The Inspector of Police,
Palakarai Police Station,
Trichy.
- 3.The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
4. The Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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