



Crl.O.P.No.6945 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

Crl.O.P.No.6945 of 2023

1. Gopalakrishnan
2. Parthiban
3. Sakthivel
4. Anbarasan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.

(Crime No.382 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail, in connection with the
case in Crime No.382 of 2022, pending investigation on the file of the
respondent Police.



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For Petitioners : Mr.R.Marudhachalamurthy
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody, for the offence punishable under Sections 147, 148, 120(b) & 302 of IPC, in connection with Crime No.382 of 2022, pending on the file of the respondent police, seeks bail.

2. The case of the prosecution is that since the victim/deceased, questioned the illicit intimacy of his wife (A3), who is de-facto complainant in this case, with A2, the petitioners along with other accused, on the instigation of the second accused, have taken the victim to a secluded place and committed murder of him, by indiscriminately assaulting him with knife. Hence, the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the fourth petitioner here in (A6) was enlarged on bail by the lower Court, thereby, he seeks permission of this



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Court to withdraw the petition in respect of the fourth petitioner alone. He further submitted that that the remaining petitioners were arrested and remanded to judicial custody on 22.12.2022 and 23.12.2022 and they are in custody for more than 90 days and till date, the investigation has not been completed and the final report has not been filed by the respondent Police, thereby, the petitioners 1, 2 & 3 are entitled for grant of bail under Section 167(2) of Cr.P.C. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that on account of the dispute with regard to the illicit intimacy of the wife of the victim/deceased with A2, the petitioners (A1, A4, A5 & A6 respectively) along with other accused have committed murder of the victim, by indiscriminately assaulting him with knife. He further submitted that the investigation is pending, hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioners 1, 2 & 3, this Court is inclined to grant bail to the 1st, 2nd and 3rd petitioners under Section 167 (2) of Cr.P.C., with certain conditions.

7. Accordingly, in view of the submission made by the learned counsel for the petitioners, the Criminal Original Petition in respect of the 4th petitioner, is dismissed as withdrawn and in respect of the other petitioners, the Criminal Original Petition stands allowed and the petitioners (1, 2 & 3) 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruchengode**, 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;



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[b] the petitioners (1, 2 & 3) shall report before the respondent Police, everyday at 10.30a.m., until further orders;

[c] the petitioners (1, 2 & 3) shall not abscond either during investigation or trial;

[d] the petitioners (1, 2 & 3) 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 (1, 2 & 3) in accordance with law as if the conditions have been imposed and the petitioners (1, 2 & 3) 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.

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To

1. The Judicial Magistrate,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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