



Crl.O.P.No.7182 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

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1.Rabin @ Bharath

2.Udhaya

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Puzhal Police Station,
Madavaram.

(Crime No.70 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.70 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.M.Duraimurugan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.01.2023, for the offences punishable under Section 302 IPC in Crime No.70 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, Ramu, is that his brother's son, Sudhachandar/victim, was having love affair with one Ragavi, whereas, the parents of the said Ragavi performed her marriage with one Vasanth/A3 against her wish. Later, she had eloped with the victim and they were living together. Due to which, the accused, enraged over the same, had waylaid the victim when he was coming in his two wheeler along with Ragavi, and assaulted him indiscriminately with knife, due to which, the victim sustained grievous injuries and died on the spot. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners (A1 & A2 respectively) are innocent persons, aged about 21 and 27 years respectively, and they have been falsely implicated in this case,



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since they are the brothers of the said Ragavi. He also submitted that the victim/deceased had eloped with the petitioner's sister Ragavi, who was already married to one Vasanth, due to which, the petitioners have asked the victim to leave her sister, thereby, there arose a quarrel between them, during which, the incident had happened. He further submitted that the petitioners have no intention to commit the murder of the victim and the incident had happened at the spur of the moment. He also submitted that the petitioners are in custody from 30.01.2023 and they are ready to abide by any other stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity in respect of the elopement of petitioner's sister, who was already married, with the victim, the petitioners (A1& A2) along with other accused, have committed murder of the victim by assaulting him indiscriminately with knife. He further submitted that the major part of the investigation is over and there is no previous case against the petitioners, however, he vehemently opposed for grant of bail to the petitioners.



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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of 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**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Madavaram**, 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 shall stay at Madurai and report before the Inspector of Police, C-4 Othakadai Police Station, everyday at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent Police everyday at 10.30 a.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]*;

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

31.03.2023

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To

1. The District Munsif cum Judicial Magistrate,
Madavaram.
2. The Inspector of Police,
Puzhal Police Station,
Madavaram.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
C4, Othakadai Police Station,
Madurai District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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