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Crl.O.P.No.8092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.8092 of 2023

1. M.Vijay

2. Selvaraj @ Ayyar

3. Manikandan

... Petitioners

Vs.

The State represented by,
The Station House Officer,
Namakkal Police Station,
Namakkal.

(Crime No.50 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.50 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.K.Mohamed Hussen

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 Sections 147, 148, 449, 302 of IPC, in Crime No.50 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Saraswathi, is that due to the previous enmity, the petitioners along with other accused, unlawfully assembled and trespassed into her house and assaulted her husband with knife, due to which, he suffered grievous injuries. Thereafter, he was taken to the government hospital, where, he was declared brought dead. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, aged about 19, 38, 18 years respectively and they have been falsely implicated in this case. He further submitted that the petitioners are in custody from 30.01.2023 and he also submitted that co-accused in this case has been granted bail by this Court in Crl.O.P.No.6184



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of 2023 vide order dated 17.03.2023 and they are also ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the enmity with regard to the dispute that arouse during the funeral of A1's father, the petitioners, who are arrayed as A1, A2 and A4 respectively, along with others have trespassed into the house of the *de-facto* complainant and had committed murder of her husband, by assaulting him with knife. Hence, he opposed for grant of 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the co-accused has been granted bail by this Court and



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also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

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 No.I, Namakkal**, 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 Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, everyday at 10.30a.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



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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.

13.04.2023

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To

1. The Judicial Magistrate No.I,
Namakkal.
2. The Station House Officer,
Namakkal Police Station,
Namakkal
3. The Central Prison,
Salem.
4. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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