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Crl.O.P.No.8270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.8270 of 2023

1. Harisivan

2. Kulanthaivelu

... petitioners

Vs.

State represented by,
Inspector of Police,
Karipatty Police Station,
Salem city.

(Crime No.35 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.35 of 2023, pending on the file of the respondent police.

For petitioners : Mr.J. Franklin

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 11.02.2023 for the offences punishable under Sections 147,148 and 302 of I.P.C in Crime No.35 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that due to previous enmity the accused committed the murder of the deceased on 05.02.2023. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and since they happens to be the friend of the main accused they have been falsely implicated in this case and they are in judicial custody from 11.02.2023. Thereby, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners due to previous enmity committed the murder of the deceased on 05.02.2023. He would submit that



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investigation is still pending. He would further submit that the petitioners have monitored the movement of the deceased and passed information to the other accused, pursuant to which, the other accused have murdered the deceased. He further submitted that the first petitioner has also helped the accused persons to travel from Salem to Chennai after the occurrence and thereby, he opposed for grant of bail to the petitioners. He added that the petitioners were recently arrested.

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 either side and also considering the period of incarceration suffered 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 his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**



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with **two sureties each** , for a like sum to the satisfaction of the **learned Munsif Court cum Judicial Magistrate, Vazhapadi** 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 Flower Bazaar Police Station daily at 10.30 a.m., for 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.

17.04.2023

smn

To

1.The Munsif Court cum Judicial Magistrate,
Vazhapadi

2. Inspector of Police,
Karipatty Police Station,
Salem city.

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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