



CrI.O.P.No.13352 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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

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1. Saran @ R.Sathishkumar

2. Ajithkumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Sipcot Police Station,
Ranipet District.

(Crime No.145 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 Crime
No.145 of 2023, pending on the file of the respondent Police.

For Petitioners : Mr.G.P.Sivakumar

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



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ORDER

The petitioners, who were remanded to judicial custody on 25.04.2023, in connection with Crime No.145 of 2023, for the offence punishable under Sections 509, 294(b), 323, 307, 506(ii) of IPC r/w Section 4 of TNWH Act @ 302 of IPC, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners/accused had teased the de-facto complainant's daughter, thereby, the de-facto complainant and her husband had questioned them for the same, due to which, the petitioners abused and assaulted the de-facto complainant's husband with a knife, due to which, he sustained grievous injuries, and he died, without responding to the treatment. 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 petitioners and the de-facto complainant are neighbours and there exists a previous enmity between them, due to which, there was a quarrel between them, during which, the husband of the de-facto complainant had assaulted the petitioners and the petitioners have



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also assaulted him as a retaliation. He also submitted that the incident had happened only during the quarrel and there is no intention or motive on the part of the petitioners to commit the murder of the deceased/victim, thereby, the petitioners had surrendered before the learned Judicial Magistrate No.II, Thiruvallur. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and they are still in custody. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the de-facto complainant and her husband/deceased had questioned the petitioners, since they had teased their daughter and due to which, there was a scuffle between them, during which, the petitioners had committed the murder of him by assaulting him with a knife. He further submitted that the investigation in this case is still pending, hence, he vehemently 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.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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 separate bond each 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 District Munsif cum Judicial Magistrate, Ranipet**, 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 **Madurai** and report before the **Inspector of Police, Vilakuthoon Police Station, everyday 10.30 a.m., until further orders;**

[c] the petitioners shall not abscond either during investigation or trial;



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[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.

28.06.2023

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To

1. The District Munsif cum Judicial Magistrate,
Ranipet
2. The Inspector of Police,
Sipcot Police Station,
Ranipet District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Vilakuthoon Police Station,
Madurai.



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