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Crl.O.P.No.15880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.15880 of 2023

1. Vellaiyan @ Marigoundan

2. Moorthi

... petitioners

Vs.

The State represented by,
The Inspector of Police,
Mettur Police Station,
Mettur Taluk,
Salem District
(Crime No.169 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, in Crime No.169 of 2022, on the
file of the respondent police.

For petitioners : Mr.M.Senthilkumar

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 25.10.2022, in connection with PRC.No.3 of 2023 in Crime



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No.169 of 2022 registered for the offences punishable under Section 302 of IPC, seek bail.

2. The case of the prosecution is that when the deceased Ragunathan went to the hospital for treatment, the petitioners and another accused came to the hospital and called Ragunathan and he refused to go with them, due to which, there arose a quarrel between them, as a result of which, the 2nd petitioner and another accused are said to have caught hold the legs and hands of Ragunathan, the 1st petitioner is said to have stabbed the said Ragunathan with knife indiscriminately and thereby he died. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are an innocent persons. They have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. That apart, the petitioners were arrested on 25.10.2022 and they are in judicial custody for nearly nine months. He further submitted that the HCP.Nos.179 & 169 of 2023 have been set aside the detention orders against these petitioners on 30.06.2023. Hence, he prayed for grant of bail to the petitioners.



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4. Learned learned Government Advocate (Crl.Side) appearing for the respondent submitted that the respondent police has completed the investigation and filed a final report and the same has been taken on file in PRC.No.2 of 2023. He further submitted that the detention orders against these petitioners have been set aside on 30.06.2023. However, considering the gravity of offence, he strongly opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in incarceration for the past nine months and that charge sheet has been filed and the same has been taken on file in PRC.No.2 of 2023 and detention order against these petitioners are set aside, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the



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satisfaction of the **learned Judicial Magistrate No.1, Mettur, Salem**

District, 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 report before the Judicial Magistrate No.1, Mettur, Salem District, on every hearing without fail;

[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.

24.07.2023

gv

Note: Issue order copy today itself.

To

1. The Judicial Magistrate No.1, Mettur, Salem District.
2. The Inspector of Police,
Mettur Police Station,
Mettur Taluk,
Salem District
(Crime No.169 of 2022).
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

gv

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