



CrI.OP.No.19390 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.19390 of 2023

1.Chellappa @ Naagarajan

2.Uthandi @ Uthandarajan

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District.
(Crime No.232 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.232 of 2023
pending investigation before the respondent Police.

For Petitioners : Mr.A.Anandharaj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial



CrI.OP.No.19390 of 2023

custody on 15.06.2023 for the offence punishable under Section 302 of I.P.C., in Crime No.232 of 2023 on the file of the respondent police, seek bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Crime No.232 of 2023 for the offence under Section 302 I.P.C. Petitioners are in judicial custody from 15.06.2023. Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that the deceased along with his father went to Velan Hotel in Amaravathy Complex for having lunch. Deceased father visited KVP ATM for drawing money. When he returned after taking money, he found two persons aged twenty-five and twenty-eight years fought with his son stating that why he is not paying money for the food taken by them, scolded his son in filthy language and hit him with wooden log on his head. As a result, he fell down without conscious. They also kicked him on his stomach. Then they escaped from there. His son was taken to hospital. It was informed that his son was already dead.



Crl.OP.No.19390 of 2023

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4.Considered the rival submissions and perused the records.

5.It is the second bail petition. Earlier bail petition was dismissed on the ground that investigation was in preliminary stage. Now it is informed by the learned Additional Public Prosecutor that investigation in this case is completed and final report was filed and case is now pending in P.R.C.No.13 of 2023 on the file of learned Judicial Magistrate, Neyveli.

6.Considering the fact that investigation in this case is completed and final report was filed and the case is now taken on file in P.R.C.No.13 of 2023 on the file of learned Judicial Magistrate, Neyveli, and that petitioners are in judicial custody from 15.06.2023, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/-** each (Rupees Ten



CrI.OP.No.19390 of 2023

Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif-cum-Judicial Magistrate, Neyveli**, 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 respondent Police daily at 10.00.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].



CrI.OP.No.19390 of 2023

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

29.08.2023

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To

- 1.The District Munsif cum Judicial Magistrate,
Neyveli.
- 2.The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras



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CrI.OP.No.19390 of 2023

G.CHANDRASEKHARAN. J.

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CrI.OP.No.19390 of 2023



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CrI.OP.No.19390 of 2023

29.08.2023