



CrI.OP.No.19328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.19328 of 2023

1.Thimmarayappa

2.Sivakumar

3.Venkatesh

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No.227 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 Cr.P.C. praying to grant bail to the petitioners pending investigation in Crime No.227 of 2023 pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 16.05.2023 for the offence punishable under Sections 302 & 120B of I.P.C, in Crime No.227 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated in Cr.No.227 of 2023 registered for the offences under Section 302 and 120 B I.P.C. First petitioner surrendered before Village Administrative Officer, Hosur, on 16.05.2023. Based on his confessional statement, other accused had been implicated in this case. Petitioners are innocents and they are in judicial custody from 16.05.2023. Thus, he prays for bail.

3.**In response,** the learned Additional Public Prosecutor submitted that the first petitioner's son one Mohan Babu was murdered by deceased Tilak on 01.01.2022. Therefore, A3 to A5, the close relatives planned to eliminate the deceased Tilak with the help of A1 and A2. On 12.05.2023, A1 and A2 had attacked the deceased Tilak with knife and caused his death.



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4.Considered the rival submissions and perused the records.

5.Considering the facts and circumstances of the case, that petitioners are in judicial custody from 16.05.2023 and that substantial part of investigation in this case might have been completed by this time, 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 Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur**, 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 at 10.00.a.m., until further orders.



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[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].

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

22.08.2023

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To

1.The Judicial Magistrate No.II,
Hosur.

2.The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.

3.Central prison, Salem.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

ep/apd

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