



CrI.OP.No.19770 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

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1. Sankar Ganesh
2. Prakash Raj
3. Babu @ Thirumalan
4. Kumaravel @ Appu

..Petitioners

Vs.

The State Rep by,
The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.
Crime No.430 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in S.C.No.57 of 2023 pending trial on the file of the learned Additional District and Sessions Judge, Arani, Thiruvannamalai in Crime No.430 of 2022 on the file of the respondent police.



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For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Sections 294(b), 307 of IPC altered into Sections 147, 148, 294(b), 307 of IPC subsequently altered into sections 147, 148, 294(b), 307 of IPC subsequently altered into Sections 147, 148, 294(b), 302 of IPC pending in S.C.No.57 of 2023 on the file of the Additional District and Sessions Judge, Arani, Thiruvannamalai in connection with Crime No.430 of 2022, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in this case. Petitioners were detained under Act 14 of 1982. The order was set-aside in H.C.P.No.479, 512, 536 of 2023. Petitioners are in Judicial Custody from 22.10.2022. Thus, he seeks bail to the petitioners.

3. In response, learned Additional Public Prosecutor submitted



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that, A5 is the wife of the deceased. She developed illegal intimacy with A1. She wanted to marry A1. Therefore, A1 and A5 decided to murder the husband of A5. In pursuance of their conspiracy, they engaged A2 to A4 to commit the murder. On 17.10.2022, at about 08.15.p.m., they illegally trespassed into the house of the deceased and attacked the deceased with deadly weapons and caused fatal injuries. As a result, deceased died. Investigation in this case is completed and final report is also filed in S.C.No.57 of 2023 on the file of the Additional District and Sessions Judge, Arani, Thiruvannamalai.

4. Considering the fact that investigation in this case is completed and the case is pending in S.C.No.57 of 2023 and also having regard to fact that, petitioners are in Judicial Custody from 22.10.2022, this Court is inclined to grant bail to the petitioners.

5. 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) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Arani** and on



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further conditions that :-

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[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 10.30.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].

[f] If the accused thereafter absconds, a fresh



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FIR can be registered under Section 229A IPC.

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To

1. Judicial Magistrate No.I, Arani
2. The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.

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