



Crl.O.P.Nos.20001 & 20135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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

Crl.O.P.Nos.20001 & 20135 of 2023

Ramesh ...Petitioner in Crl.O.P.No.20001 of 2023

1. Sarathkumar
2. Dineshkumar ...Petitioners in Crl.O.P.No.20135 of 2023

Vs.

State Rep by
Inspector of Police,
Mailam Police Station,
Mailam, Villupuram District.
(Crime No.330 of 2023) ...Respondent in both Crl.O.P's.

Prayer in Crl.O.P.No.20001 of 2023: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail and release him in Crime No.330 of 2023 on the file of respondent Police.

Prayer in Crl.O.P.No.20135 of 2023: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.330 of 2023 on the file of respondent Police.

In both Crl.O.P's.:

For Petitioners : Mr.G.Tamilselvan
For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.07.2023 for the offences punishable under Section 302 of IPC in Crime No.330 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.330 of 2023 for the offences under Section 302 of IPC. Deceased used to do black magic. In a dispute between the deceased and A1 in connection with threat made by the deceased to do black magic, accused are falsely implicated. They were not responsible for the death of the deceased. Petitioners are in judicial custody from 08.07.2023. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that deceased and A1 are the neighbours. Deceased used to do black magic. It appears that the deceased used to threat the first accused to do black magic against him. Enraged and angered at this, first accused, with the help of A2 and A3, on 06.07.2023 at about 18 hours, had assaulted



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the deceased with deadly weapons and caused his death.

4.Considered the rival submissions and perused the records.

5.Taking into consideration the circumstances leading to the death of the deceased, the fact that petitioners are in judicial custody from 08.07.2023 and that substantial part of investigation 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.25,000/-** each (Rupees Twenty Five Thousand only)each, with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate – 2, Tindivanam**, 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.



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[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].

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

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To

- 1.The Judicial Magistrate – 2,
Tindivanam.
- 2.The Inspector of Police,
Mailam Police Station,
Mailam, Villupuram District.
- 3.Central Prison
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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