



CrI.OP.No.20797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20797 of 2023

1.Chandru @ Shanmugavelu,

2.Kalaiyarasan

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Vanur Police Station,
Villupuram.
(Crime No.121 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioners on bail in connection with the case in Crime No.121 of 2023 pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Anandharaj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.06.2023 for the offence punishable under Sections 341, 302 of I.P.C, in Crime No.121 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioners that, petitioners are falsely implicated as accused in Crime No.121 of 2023 for the offence under Sections 341 and 302 of I.P.C. Petitioners are in are in judicial custody from 13.06.2023. Thus, he seeks bail.

3.The learned Additional Public Prosecutor opposed this petition on the ground that, it is a case of twin murder of deceased Arun and Anbarasan. Deceased Arun had murdered the brother of first accused and therefore, in retaliation, the first accused and others conspired and committed the murder of both the deceased on 10.06.2023 at about 10.00 a.m. near Tiruvakkarai to Chengamedu road. Petitioners have no previous case pending against them.



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4.Considered the rival submissions and perused the records.

5.Considering the fact that these murders had happened in retaliation of murder of the brother of the first accused and having regard to the fact that, petitioners are in judicial custody from 13.06.2023 and that material 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.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vanur**, 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 stay at Tirunelveli and report before the Inspector of Police, Tirunelveli Town Police Station daily morning 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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Sma/Apd



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To

- 1.The Judicial Magistrate,
Vanur.
- 2.The Inspector of Police,
Vanur Police Station,
Villupuram.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma/Apd

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