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Crl.O.P.Nos. 24049, 24051, 24562 & 24565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.Nos.24049, 24051, 24562 & 24565 of 2023

Sakthivel	... Petitioner in Crl.O.P.No.24049 of 2023
Deepa	... Petitioner in Crl.O.P.No.24051 of 2023
Silambarasan	... Petitioner in Crl.O.P.No.24562 of 2023
C.Sugumar	... Petitioner in Crl.O.P.No.24565 of 2023

Vs.

The State rep. by:-

The Station House Officer,
Puthur Police Station, Puthur,
Cuddalore District

(Crime No.26 of 2023)

... Respondent in all Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners / Accused on bail pending trial in S.C.No.178 of 2023, on the file of the District and Sessions Judge, Cuddalore District.

In all Crl.O.Ps.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



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COMMON ORDER

The petitioners who were arrested and remanded to judicial custody originally registered for the offences under Sections 174 of Cr.P.C and subsequently, altered to Sections 109, 120B, 302 and 365 of IPC, in Crime No.26 of 2023, seek bail.

2.The petitioners are arrayed as A1 to A4. The case of the prosecution is that A4 and the deceased were spouse and there were difference of opinion. Thereafter, A1 to A3 had been engaged to commit the murder of the deceased.

3.It is stated that they had taken the deceased in a car and strangled the deceased and thrown the body in the Veeranam Yeri.

4.Though the nature of the offence is quite gruesome, all the petitioners have been in custody for considerable period of time.

5.Counter affidavit had been filed with respect to the status of the investigation and it is very specifically stated by the Circle Inspector, Kattumannarkoil, that the investigation had been completed and charge sheet had been filed before the District Munsif cum Judicial Magistrate, Kattumannarkoil, on 31.08.2023 and this had been taken cognizance as P.R.C.No.11 of 2023 on 15.09.2023. The learned District Munsif cum



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Judicial Magistrate had also committed the case to the Principal Sessions Court, Cuddalore and it had been assigned as S.C.No.178 of 2023. It had been stated that the next hearing date is actual today i.e., 01.11.2023.

6.In view of these facts that it is a considerable change in circumstances, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kattumannarkoil, Cuddalore District 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 petitioner shall report before the Principal Sessions Judge, Cuddalore District on every Monday till framing of charges and again every Monday, till the primary witnesses are examined and thereafter during hearing dates except for unforeseen circumstances;



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[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

01.11.2023

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To

1. The Judicial Magistrate, Kattumannarkoil, Cuddalore District.
2. The Station House Officer,
Puthur Police Station, Puthur,
Cuddalore District
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.
5. The Central Jail, Vellore.



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C.V.KARTHIKEYAN, J.

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