



Crl.O.P.No.25329 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

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

Crl.O.P.No.25329 of 2023

1.Karthick S/o. Palanisamy
2.Saroja W/o. Palanisamy

... Petitioners/Accused 1 & 2

Vs.

State by
The Inspector of Police,
Nangavalli Police Station,
Salem District.

(Crime No.226 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners on bail concerned in Crime No.226 of
2023 on the file of the respondent police.

For Petitioners : Mr.C.Deepak Kumar

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



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ORDER

The petitioners are son and mother/A1 & A2 seek bail in Crime No.226 of 2023, registered by the respondent police for the offences punishable under Sections 201, 203 & 302 of IPC. They had been remanded to judicial custody on 06.10.2023.

2. The deceased is the yet another son of A2. It is the case of the prosecution that the deceased had misbehaved with the A2/mother and on seeing that, the 1st accused had hit on his head with hammer. But, later both the accused had buried him and thereafter, the 1st petitioner had given a statement before the Village Administrative Officer that they had killed the deceased and they had cremated the body.

3. Taking into consideration the extreme nature of provocation under which, the said offence happened, I am inclined to grant bail to the petitioners herein subject to the following conditions:

4. Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the



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satisfaction of the Judicial Magistrate I, Mettur, 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 everyday 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 FIR can be registered under Section 229A IPC.

06.11.2023

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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate No.I, Mettur.
- 2.The Central Prison, Salem.
- 3.The Inspector of Police,
Nangavalli Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court of Madras.

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