



Crl.O.P.No.29054 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29054 of 2023

1.Srinivasan S/o.Jeyaraman

2. Nirmalkumar S/o.Raji

...Petitioners/Accused A5 & A6

Vs.

State Represented by its,
The Inspector of Police,
V7 Nolambur Police Station,
Chennai.

Cr.No.201 of 2023.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.201 of 2023 on the file of respondent police pending investigation.

For Petitioners : Mr.N.Nithiyavel

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners seek bail in Crime No.201 of 2023 on the file of respondent police for the offences punishable under Sections 302 of IPC @ 120(B), 302 of IPC. The first petitioner was arrested and remanded to



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custody on 30.09.2023 and the second petitioner was arrested and remanded to judicial custody on 06.10.2023.

2. The case of the prosecution is that owing to communal clash between the accused persons and the defacto complainant's husband and previous enmity with respect to an earlier murder, the petitioners along with other accused had assaulted the defacto complainant's husband, as a result of which, he died on spot.

3. Learned counsel for petitioner submits that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that based on the confession, the petitioners were added as an accused A5 and A6. He further submitted that the petitioners are ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor submitted that due to previous enmity, the petitioners along with other accused had assaulted



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the defacto complainant's husband. She further submitted that investigation is still pending. Hence, she vehemently opposed to grant bail to the petitioners.

5. It is seen that though the petitioners were in custody for a period of 90 days, no charge sheet has been filed and the time is also lapsed.

6. Considering the rival submissions made by the either side counsels and considering the investigation has not been completed for more than three months, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur 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 cards or Bank pass Books to ensure their identity;



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- [b] the petitioners shall report before the Thiruvallur Town Police Station 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.

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To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Central Prison,
Puzhal II,
Chennai.
- 3.The Inspector of Police,
V7 Nolambur Police Station,
Chennai.
Cr.No.201 of 2023
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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