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Crl.O.P.No.29204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29204 of 2023

1.Vadivel S/o.Chinnathambi
2.Kuppusamy S/o.Shanmugam
3.Ajith S/o.Kannan

...Petitioners/Accused Nos.5,6&7

Vs.

The State Represented by its
The Inspector of Police,
Mallur Police Station,
Salem District.
(Crime No.315 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.315 of 2023 on the
file of respondent police.

For Petitioners : Mr.I.Sheik Mohamed

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

ORDER

The petitioners seek bail in Crime No.315 of 2023 on the file of
respondent police for the offences punishable under Sections 302 of



Crl.O.P.No.29204 of 2023

I.P.C and subsequently altered into 120(B), 147, 148, 294(b), 302 and 341 of I.P.C. The petitioners were arrested and remanded to custody on 30.10.2023.

2. The case of the prosecution is that owing to previous enmity, the petitioners along with other accused had committed the act of murder against the deceased. Hence, the case.

3. Learned counsel for petitioners submitted that the petitioners are innocent and they have been falsely roped in this case. He further submitted that A4 had been granted bail by this Court in Crl.O.P.No.28533 of 2023 by an order dated 20.12.2023. 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 murdered the deceased. Hence, he vehemently opposed to grant bail to the petitioners.



CrI.O.P.No.29204 of 2023

WEB COPY

5. Considering that no specific overt act has been attributed against the petitioners and based on the confession only they have been added as accused and considering the number of days of incarceration by the petitioners and material part of investigation has been completed and A4 had been granted bail, I am inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their 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 No.VI, Salem 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;
- [b] the petitioners shall stay at Namakkal and report before the Namakkal Town Police Station, Namakkal everyday at 10.30 a.m. until further orders;



CrI.O.P.No.29204 of 2023

- [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 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.

29.12.2023

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CrI.O.P.No.29204 of 2023

To

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



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CrI.O.P.No.29204 of 2023

P.DHANABAL, J.

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CrI.O.P.No.29204 of 2023

29.12.2023