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Crl.O.P.Nos.1781 & 2865 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

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

Crl.O.P.Nos.1781 & 2865 of 2024

Elumalai @ Vasanthakumar

... Petitioner/A6
in Crl.O.P.No.1781 of 2024

Godes @ Godwin Moses

... Petitioner/7
in Crl.O.P.No.2865 of 2024

Vs.

The State represented by
The Inspector of Police,
Ambalur Police Station,
Vellore District.

(Crime No.293 of 2023) ... Respondents in both Crl.O.Ps
COMMON PRAYER: Criminal Original Petitions filed under Section 439
of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.293 of 2023
on the file of the respondent.

(In both Crl.O.P.Nos)

For Petitioners : Mr.D.Balaji

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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COMMON ORDER

The petitioner/A6 has filed Crl.O.P.No.1781 of 2024 and the petitioner/A7 has filed Crl.O.P.No.2865 of 2024, both in Crime No.293 of 2023 for the offences under Sections 341, 294(b), 302, 506(ii), 201 & 34 of IPC @ 120B, 201, 294(b), 302, 34, 341 & 506(ii) of IPC, seek bail. They had been remanded to judicial custody on 18.11.2023.

2.It is the case of the prosecution that the defacto complainant's elder brother who is the deceased, had a relationship with another girl. It is stated that the brother of that girl had reprimanded the deceased not to have any further contact. On 15.01.2023, the said brother had called the deceased for compromise and at that time, a quarrel arose and the deceased was murdered.

3.It is stated that there are seven accused and A1, A2 and A3 had been detained under Tamil Nadu Act 14 of 1982. In so far as the specific overt act as against these petitioners are concerned, it is stated that they have planned the murder of the deceased. With respect to A7, there are 37 previous cases. It is also stated that if he is let on bail there will be possibility of threatening the witnesses. It is also stated that investigation has been completed and charge sheet would be filed shortly before the concerned



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Magistrate.

4.Taking all the factors into consideration, I am inclined to grant bail to the petitioner/A6 in Crl.O.P.No.1781 of 2024 with certain conditions and the application seeking bail is dismissed as against the petitioner/A7 in Crl.O.P.No.2865 of 2024.

7.Accordingly, the petitioner/A6 in Crl.O.P.No.1781 of 2024 alone is ordered to be released on bail on his executing a 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 **Judicial Magistrate, Vaniyambadi, Thirupathur 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/A6 in Crl.O.P.No.1781 of 2024 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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



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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.

16.02.2024

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C.V.KARTHIKEYAN, J.

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To

1.The Judicial Magistrate, Vaniyambadi, Thirupathur District.

2.The Inspector of Police,
Ambalur Police Station,
Vellore District.

3.The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

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