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Crl.O.P.Nos.5225 & 5228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.03.2024

CORAM

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

Crl.O.P.Nos. 5225 & 5228 of 2024

Crl.O.P.No.5225 of 2024

1.Sivasurya
2.Naveen Kumar
3.Saravanan

... Petitioner/Accused

Vs.

The State rep. by
Station House Officer
Chozhatharam Police Station
Cuddalore District.
(Crime No.234 of 2023)

... Respondent/Complainant

Crl.O.P.No.5228 of 2024

Vasudevan

... Petitioner/Accused

Vs.

The State rep. by
Station House Officer
Chozhatharam Police Station
Cuddalore District.
(Crime No.234 of 2023)

... Respondent/Complainant



Crl.O.P.Nos.5225 & 5228 of 2024

PRAYER IN BOTH PETITIONS: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Crime No.234 of 2023 pending on the file of the respondent Police.

For Petitioners in
both petitions : Mr.G.Pugazhenth

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

COMMON ORDER

The accused No. 1 has filed Crl.O.P.No. 5228 of 2024 and the Accused Nos. 2, 3 and 4 have filed Crl.O.P.No.5225 of 2024, both in Cr.No. 234 of 2023, originally registered as boy missing and later, altered into Sections 302, 201, 342 and 120(b) of IPC seek bail.

2. All the four accused had been remanded to custody on 04.12.2023. The second and third accused are the sons of the fourth accused.

3. It is the case of the prosecution that originally a case was registered as boy missing on a complaint lodged by one Elayaperumal on 03.12.2023 stating that his son Gokulakrishnan, aged about 16 years, had gone out of the house at 08.45 p.m., on 02.12.2023 but did not return home. It is the further case of the prosecution that the dead body of the boy was



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found with deep cut injuries on the back side of the head. It is the case of the prosecution that the petitioners herein had conspired to commit the murder of the boy as he had defamed the good name of the family of the petitioners. It is under those circumstances that the First Information Report came to be registered.

4. In the Petitions filed seeking bail, all the petitioners denied that they had committed the offence. It is stated by the learned counsel that the entire case is based on circumstantial evidence. It is stated that investigation has been completed and final report had also been filed. It is also stated that the offence had been altered from Section 302, 201, 342 and 120(b) of IPC to Section 302, 201, 342, 120(b), 34 and 109 IPC.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the State.

6. The earlier applications seeking bail had been dismissed by this Court on 05.02.2024 in Crl.O.P.Nos.1557 and 98 of 2024. On that date, it had been observed that the investigation has been completed and final report had also been filed.

7. Now the matter had been committed to the Court of Sessions in S.C.No.34 of 2024 before the Principal District Judge, Cuddalore.



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8. Taking that particular fact as a change in circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

9. Accordingly, the petitioners are ordered to be released on bail on executing a 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 District Munsif cum 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 petitioners shall report before the Principal District Judge, Cuddalore, on every Monday, Wednesday and Friday at 10.30 am., apart from the Court hearing dates, till the completion of the trial.

[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



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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.

05.03.2024

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To

1. The District Munsif cum Judicial Magistrate
Kattumannarkoil, Cuddalore District.
2. The Station House Officer
Chozhatharam Police Station
Cuddalore District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

vkr

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