



Crl.O.P.No.7201 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

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

Crl.O.P.No.7201 of 2024

1.Selvakumar
2.Saravanan

..Petitioners

Vs.

State represented by
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
(Crime No.258 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.258 of 2023 on the file of the respondent police.

For Petitioners : Mr.D.Dayalan

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

ORDER

The petitioners/A5 & A6, who were arrested and remanded to judicial custody on 18.01.2024 for the offences originally registered by the respondent Police under Man Missing and subsequently, altered to



Crl.O.P.No.7201 of 2024

Sections 201, 294(b), 302, 324, 34 of IPC in Crime No.258 of 2023 on the file of the respondent, seek bail.

2.Subsequent to the investigation, the final report had been filed and the same has been taken cognizance as P.R.C.No.1 of 2024 before the Judicial Magistrate No.I, Walaja.

3.It is stated that the occurrence took place on 07.11.2023 and the complaint was lodged by the mother of the deceased on 09.11.2023.

4.The learned counsel for the petitioner pointed out the delay in lodging the complaint and registering the First Information Report.

5.It is stated that A1 to A4 had been granted bail under Section 167(2) Cr.P.C., by the learned District Munsif cum Judicial Magistrate No.I, Walaja on 16.02.2024.

6.The main allegation against the petitioners is that they had taken away the vehicle of the deceased.

7.It is the case of the prosecution that the deceased do not answer whenever the defacto complainant tried to call the deceased and therefore, originally the complaint was lodged under Man Missing and later, altered to Section 302 IPC among other offences.



8.Taking into consideration the period of incarceration and A1 to A4 had been granted bail and also of the fact that the investigation has been completed, 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 condition to execute a separate 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 **learned District Munsif cum Judicial Magistrate No.I, Walaja**, 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.



CrI.O.P.No.7201 of 2024

[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.

25.03.2024

vkx

To

- 1.The District Munsif cum Judicial Magistrate No.I, Walaja.
2. The Central Prison, Vellore.
- 3.The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
- 4.The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.7201 of 2024

C.V.KARTHIKEYAN. J.

vkr

Crl.O.P.No.7201 of 2024

25.03.2024