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*Crl.O.P.Nos.25951 & 26702 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos.25951 & 26702 of 2024

Faheem Ahamed  
Son of Haja Mohideen

... Petitioner in  
Crl.OP.No.25951 of 2024

Shahul Hameed  
S/o.Mohamed Ali

... Petitioner in  
Crl.OP.No.26702 of 2024

Vs.

The State represented by  
Station House Officer  
Nellikuppam Police Station  
Cuddalore District  
(Crime No.334 of 2024)

... Respondent

PRAYER in 25951 of 2024: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the Petitioner on bail, in Crime No.334 of 2024, on the file of the respondent Police.

PRAYER in 26702 of 2024: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the Petitioner on bail, in Crime No.334 of 2024, on the file of the respondent Police.

For Petitioners : Mr.N.U.Pressanna  
(in Crl.OP.No.25951 of 2024)



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Mr.D.Pazhani  
(in Crl.OP.No.26702 of 2024)

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.Side)

### **COMMON ORDER**

These Criminal Original Petitions have been filed by the Petitioners, who were arrested and remanded to judicial custody, seeking bail in Crime No.334 of 2024 registered under Section 103(1), 238 and 305(a) @ 103(1), 238, 305(a) & 61(2) of BNS Act.

2.The case in Crime No.334 of 2024 came to be registered for the offences under Section 103(1), 238 and 305(a) of BNS on the complaint of one Santhi Bai stating that on 15.07.2024 she received an information from a family member viz., Liyagath Ali stating that her sister-in-law Kamaleshwari, nephew Sugantha Kumar and grand son Ishan were found lying dead inside the house in a burnt condition. Based on the complaint, a case was registered. During the course of investigation, it came to light that the deceased Sugantha Kumar had illicit intimacy with wife of A1 viz., Sankaranathan and thereby A1 nurtured enmity against Sugantha Kumar,



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pursuant to which, he had conspired with the other accused and had committed murder of three persons and also attempted to burn the bodies.

3.Mr.N.U.Pressenna, learned Counsel appearing for the Petitioner in Crl.OP.No.25951 of 2024 submitted that the Petitioner is A3 in this case. Other than the alleged confession statement said to have been recorded from A1, there is absolutely no material to connect the Petitioner with the crime. He further submitted that the Petitioner was arrested on 03.08.2024 and he is in custody for the past 90 days. He further submitted that the investigation has been completed and final report has been filed and the matter is pending before the I Additional District Court, Cuddalore in SC.No.186 of 2024 for trial. He further submitted that the Petitioner is an alcohol addict, taking psychiatric treatment. Hence, he prayed for grant of bail to the Petitioner stating that the Petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4.Mr.D.Pazhani, learned Counsel appearing for the Petitioner in Crl.OP.No.26702 of 2024 submitted that the Petitioner is A2 in this case. Other than the alleged confession statement that he has helped the main



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accused to commit the offences, by giving information about the deceased, there is absolutely no other material to implicate the Petitioner in this crime. Even as per the prosecution the Petitioner has not entered into the house of the deceased. Hence, he prayed for grant of bail to the Petitioner stating that the Petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

5.Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently objected for granting bail to the Petitioners and submitted that the deceased Sugantha Kumar had illicit intimacy with the wife of A1 and thereby A1 nurtured enmity against Sugantha Kumar. He had in order to kill Suganthakumar had conspired with the A2 & A3. A2/Shahul Hameed, who was an erstwhile employee in the house of the deceased and he had given details of the plan of the house and activities of the deceased. A3/Faheem Ahamed had given an advice of selling the mobile phone and purchased monkey cap, gloves and knife through online. After they hatched the conspiracy A1 had entered into house of the deceased and committed the triple murder. The investigation has been completed and final report has also been filed and the matter is pending before the I Additional District Court,



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Cuddalore in SC.No.186 of 2024 for trial. He further submitted that if the Petitioners are granted bail, there is possibility of them interfering or threatening the witnesses.

6.Heard the learned Counsel appearing for the Petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

7.Even as per the prosecution, the allegation against the Petitioners is that they had hatched conspiracy with the main accused to do away with the deceased and the Petitioners are said to have not entered the house of the deceased and it is only A1 who had entered the house and committed the murder of the deceased. Taking into consideration the facts and the submissions made by the learned counsel on either side and considering the sole allegation that the the Petitioners are only conspirators with the main accused and also considering the fact that they had not even entered into the house of the deceased and committed the offence of murder, this Court is inclined to grant bail to the Petitioners with certain conditions.



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8. Accordingly, the Petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Cuddalore**, 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 appear before the I Additional District Court, Cuddalore, on all the working days at 10.30 a.m., until further orders;**

[c] the Petitioners shall not enter into the jurisdictional limits of the correspondent police station.

[d] the Petitioners shall not abscond either during investigation or trial;

[e] the Petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] 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



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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 abscond, a fresh FIR  
can be registered under Section 269 B.N.S.

06.11.2024

*sai*

To

1.The I Additional District Judge  
Cuddalore.

2.The Judicial Magistrate I  
Cuddalore.

2.Station House Officer  
Nellikuppam Police Station  
Cuddalore District

3. The Central Prison  
Cuddalore.

4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

*sai*

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