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Crl.O.P.No.26403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26403 of 2024

1.T.Nethaji

2.S.Santhosh

3.M.Ajay

4.R.Naresh @ Nareshkumar

... Petitioners

Vs.

State represented by,
The Station House Officer,
Cuddalore OT Police Station,
Cuddalore District.
(Crime No. 321 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.321 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

The Petitioners A1 to A3, who were arrested and remanded to judicial custody on 01.07.2024 and the fourth petitioner was arrested on 18.07.2024, for the alleged offences punishable under Sections 302 IPC @ 120(b), 341, 302 and 109 of IPC in Crime No.321 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity regarding political motive between the deceased and the accused persons, on 29.06.2024 at about 10.30 p.m., the defacto complainant received a call from their relative that her husband was injured. Subsequently, the defacto complainant went near Mariamman Temple, where she found that her husband was murdered. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, since they have got some previous cases. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners



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was arrested and are in judicial custody from 01.07.2024 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to previous enmity regarding political motive between the deceased and the accused persons, on the date of the alleged occurrence, the petitioners arranged for hooligans to commit the brutal murder of the deceased through them. He further submits that investigation was completed and the charge sheet was also filed. Hence, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, considering the period of incarceration undergone by the petitioners A1 to A3 from 01.07.2024 and A4 from 18.07.2024, investigation was completed and the charge sheet was also filed and now the case is posted for committal, and also considering all



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others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Cuddalore, and on further conditions that:-

[a] the petitioners shall report before the concerned Jurisdictional Magistrate on all working days at 10.30 a.m., until further orders.

[b] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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

[e] On breach of any of the aforesaid conditions, the learned



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Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.10.2024

drl

To

- 1.The Judicial Magistrate No.II,
Cuddalore.
- 2.The Station House Officer,
Cuddalore OT Police Station,
Cuddalore District.
- 3.The Superintendent,
Sub Jail, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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