



Crl.O.P.Nos.26783 & 26372 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

Crl.O.P.Nos.26783 & 26372 of 2024

Thirupathi

... Petitioner in Crl.O.P.No.26783 of 2024

1. Mukilarasu

2. Mullaivendan

... Petitioners in Crl.O.P.No.26372 of 2024

Vs.

The State represented by,
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
(Crime No.249 of 2024).

... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleased to enlarge the petitioners on bail, in connection with Crime No.249 of 2024, pending investigation on the file of the respondent Police.

In Crl.O.P.No.26783 of 2024,

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



Crl.O.P.Nos.26783 & 26372 of 2024

n Crl.O.P.No.26372 of 2024,

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

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners/A4 to A6, who were arrested and remanded to judicial custody, seeking bail in Crime No.249 of 2024 registered under Section 103 of BNS.

2. The case of the prosecution as per the de facto complainant/Markandan is that on 19.09.2024, at about 8.30 hours, his relative one Palani had informed him that his son Sivaprakasam was lying dead in the land belonging to one Ravisankar and thereafter, he went to the spot, where, he found that there were stab injuries on the chest and stomach of his son. Therefore, he lodged a complaint before the respondent and based on his complaint, a case in Crime No.249 of 2024 came to be registered under Section 103 of BNS. During the course of investigation, it came to light that the de facto complainant's son/victim was a drunkard, who used to quarrel with his wife/A1 frequently and also having illicit affair with another



Crl.O.P.Nos.26783 & 26372 of 2024

lady. Further, he had also borrowed a sum of Rs.2 lakhs from the owner of his son-in-law/A2 and spent the amount for the person, with whom, he had illegal relationship. Therefore, there was a conflict between the victim and accused 1 & 2, due to which, the victim's wife/A1 and son-in-law/A2 conspired along with other accused to do away with the victim/deceased. Pursuant to the same, the accused have committed murder of the victim and thrown his body in the land of one Ravisankar. Hence the case.

3. Learned Counsel appearing for the petitioner/A4 in Crl.O.P.No.26783 of 2024 submitted that the petitioner is an innocent person and only based on the confession statement recorded from A2, he has been implicated in this case. He further submitted that even as per the confession statement, the petitioner, who is the friend of A2, had arranged the henchmen to commit murder, whereas, other than the confession statement of A2, there is no other materials to connect the petitioner with this crime. He also submitted that the major part of the investigation is over, however, the petitioner, who has no bad antecedents, is in custody from 20.09.2024. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.Nos.26783 & 26372 of 2024

WEB COPY

4. Learned Counsel appearing for the petitioners/A5 & A6 in Crl.O.P.No.26372 of 2024 submitted that the petitioners are innocent persons and they have nothing to do with the alleged offence. He further submitted that the petitioners are friends of A2 and they have not committed any offence as alleged by the prosecution. He also submitted that there is no direct eye witness to the occurrence, however, the petitioners are suffering incarceration from 19.09.2024. Hence, he prayed for grant of bail to the petitioners.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that the first and second accused, who are respectively the wife and son-in-law of the victim/deceased, enraged over the illegal relationship and conduct of the victim/deceased, had planned to do away with him. He further submitted that accused 1 and 2, with the help of the other accused, engaged henchmen and committed murder of the victim/deceased, by stabbing him with knife and thrown his body in the land belonging to someone else. He also submitted that the petitioners herein, who are the friends of A2, are arrayed as A4 to A6 respectively and they have helped the main accused. He



Crl.O.P.Nos.26783 & 26372 of 2024

further submitted that there is no previous case against these petitioners.

WEB COPY

6. Heard the learned Counsel appearing for all the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter filed in Crl.O.P.No.26783 of 2024.

7. Taking into consideration the facts and the submissions made by the learned counsel on either side, taking note of the fact that there is no previous case against the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

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.II, Dharmapuri**, and on further conditions that:

[a] the sureties shall affix their photographs and



CrI.O.P.Nos.26783 & 26372 of 2024

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 stay at Nagapattinam and report before the Inspector of Police, Nagapattinam Town Police Station, 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;

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

07.11.2024

ham



Crl.O.P.Nos.26783 & 26372 of 2024

WEB COPY

- To
1. The Judicial Magistrate No.II,
Dharmapuri.
 2. The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
 3. The Superintendent,
Central Prison, Salem.
 4. The Public Prosecutor,
High Court of Madras.
 5. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.



WEB COPY



Crl.O.P.Nos.26783 & 26372 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.Nos.26783 & 26372 of 2024

07.11.2024