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Crl.O.P.No.27406 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.27406 of 2024

1.Murugan @ Nondi Murugan

2.Manikandan

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur City, Tiruppur District.
(Crime No. 9 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.9 of 2024 on the file of
the respondent Police.

For Petitioners : Mr.K.Sudhakar

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

ORDER

The Petitioners, who were arrested and remanded to judicial



Crl.O.P.No.27406 of 2024

custody on 09.01.2024, for the alleged offence punishable under Sections 302 of IPC, subsequently altered under Sections 302, 147, 148, 341, 120B, 34 and 506(ii) of IPC, in Crime No.9 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.01.2024, at about 8.15 p.m., due to previous enmity, dating back to the year 2022, A1's father was murdered by his paternal uncle Balamurugan and Muthuvel. In order to take revenge against their uncle, the petitioner along with other accused murdered the deceased with a knife. The deceased was admitted to the hospital but later he died. Hence, the case.

3. Learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submits that the co-accused were released on bail by this Court. He further submits that the petitioners were arrested and are in judicial custody from 09.01.2024 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.



Crl.O.P.No.27406 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally five accused in this case and the petitioners herein are arrayed as A1 and A2. He further submits that on the date of the alleged occurrence, due to the revenge of the first petitioner's father murder, that took place in the year 2022, the petitioner along with other accused persons murdered the deceased with a knife, causing grievous injuries to him. The deceased was admitted to the hospital and later he died. He further submits that the first petitioner has 38 previous cases, out of which, 25 cases have been disposed of, and the second petitioner has 15 previous cases, out of which, 10 cases have been disposed of. He further submits that investigation was completed and the charge sheet was also filed and the case is posted for framing of charges. Hence, he opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side counsel,



Crl.O.P.No.27406 of 2024

nature of offence charged against the petitioners, investigation was completed and the charge sheet was also filed and now the case is posted for trial after framing of charges, though the petitioners have many previous cases, in some of the cases ended in acquittal and in all other pending cases, they have been released on bail, co-accused were already released on bail by this Court, considering the period of incarceration undergone by the petitioners from 09.01.2024, and also considering all 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, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, and on further conditions that:-

[a] the petitioners shall report before the Trial court 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



CrI.O.P.No.27406 of 2024

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 Petitioners shall not abscond either during investigation or trial;

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

20.11.2024

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Crl.O.P.No.27406 of 2024

P.DHANABAL, J.

drl

To

- 1.The Sessions Judge,
Special Court for Trial of Cases
under SC/ST (POA) Act,
Tiruppur.
- 2.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur City,
Tiruppur District.
- 3.The Superintendent,
Central Jail, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27406 of 2024



WEB COPY



Crl.O.P.No.27406 of 2024

20.11.2024