



WEB COPY



Crl.O.P.Nos.30210 & 30212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

Crl.O.P.Nos.30210 & 30212 of 2024

Vijay ... Petitioner in Crl.O.P.No.30210 of 2024

Prabhu ... Petitioner in Crl.O.P.No.30212 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 both Crl.O.Ps.,

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

COMMON ORDER

Petition seeking bail in respect of Crime No.249 of 2024 registered for the offences punishable under Section 103 of BNS, is on board for consideration.



Crl.O.P.Nos.30210 & 30212 of 2024

WEB COPY

2. The incarceration of the petitioners/A3 & A7 being from 21.09.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners were arrested only based on the confession statement recorded from other accused and further, other than the confession statement, there is no other material against the petitioners. He further submits that even as per the prosecution, there is no eye witness to the occurrence. He also submits that the co-accused in this case have been enlarged on bail by this Court in Crl.O.P.No.26783 & 26372 of 2024 dated 07.11.2024 and the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is 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 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. Thereby, the first and second



Crl.O.P.Nos.30210 & 30212 of 2024

accused enraged over the conduct of the victim/deceased, had planned to do away with him. He further submits that accused 1 and 2, with the help of other accused, committed murder of the victim/deceased, by stabbing him with knife and thrown his body in the land belonging to someone else. He also submits that the major part of the investigation is over and the overtact against these petitioners/A3 & A7 is that they also had involved in this crime by assisting the other accused. He further submits that there is no previous case against these petitioners.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent in Crl.O.P.No.30212 of 2024, and considering the period of incarceration undergone by the petitioners and that the co-accused have been enlarged on bail, this Court is inclined to grant bail to the petitioners with certain conditions and 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



CrI.O.P.Nos.30210 & 30212 of 2024

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 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.

04.12.2024

ham



CrI.O.P.Nos.30210 & 30212 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.30210 & 30212 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.Nos.30210 & 30212 of 2024

04.12.2024