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Crl.O.P.Nos.31843 & 31851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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

Crl.O.P.Nos. 31843 & 31851 of 2024

Ganesan ... Petitioner in Crl.OP.No.31843 of 2024

Sathiya ... Petitioner in Crl.OP.No.31851 of 2024

Vs.

State represented by
Inspector of Police,
Karipatty Police Station,
Salem City, Salem District.
(Crime No. 846 of 2024)

... Respondent

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.846/2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T. Saikrishnan

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

COMMON ORDER

Petitions seeking bail in respect of Crime No.846 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 126(2), 103(2) of BNS and Section 3(1) of TNPPDL are on board for consideration.

2.The incarceration of the petitioners being from 09.11.2024 pleading



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innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners have been falsely implicated in this case based on a confession statement recorded from another accused. He also submits that the allegation against the petitioners is that the deceased had previously murdered the petitioner's husband in Crl.OP. No. 31851 of 2024, and as a result, the petitioner, along with the other accused, committed the murder. He further submits that there are no previous cases registered against the petitioners and that a substantial portion of the investigation in this case has already been completed. He also submits that the petitioners are in no way connected with the alleged offences and they 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 petitioners are alleged to have been involved in the murder of the de facto complainant's husband due to previous enmity. He further submits that on 08.11.2024, at about 08.15 a.m., the de facto complainant's husband left in a four-wheeler and around 08:45 a.m., her son-in-law called to inform her that a Mahindra XUV car had followed her husband's car, collided with its right side,



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and then Allikuttai Karthick, Velliyampatti Kandasamy, Mettupatti Hariharan, Alagapuram Boobalan, along with others, who came on two two-wheelers, indiscriminately assaulted her husband with aruvals, leading to his death. He further submits that the de facto complainant later came to know that the assailants were members of the Anandan's group and the attack was motivated by previous enmity. Further, during the investigation, it was revealed that Anandan's group suspected the deceased of assisting Anbazhagan's group in the murder of Anandan, making it a case of retaliatory murder. He further submits that though the petitioners were not present at the scene of occurrence, the petitioners have conspired with the other accused and on their instructions, the other accused carried out the murder.

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 and considering the period of incarceration undergone by the petitioners, 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 a separate bond 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 District Munsif cum Judicial Magistrate, Vazhapadi,



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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 stay at Chennai and report before the Inspector of Police, Flower Bazaar 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 of B.N.S.

20.12.2024

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To



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1. The District Munsif cum
Judicial Magistrate,
Vazhapadi.
2. The Inspector of Police,
Karipatty Police Station,
Salem City, Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police
Flower Bazaar Police Station
Chennai.



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A.D.JAGADISH CHANDIRA, J.
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