



CRL OP(MD). Nos.3702,3704 & 4392 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). Nos.3702,3704 & 4392 of 2024

Annadurai

... Petitioner/Petitioner/
Accused No.4
in CrI.OP(MD) No.3702 of 2024

Kumaresan @ Krishnamoorthy ... Petitioner/3rd Petitioner/ Accused No.3
in CrI.OP(MD) No.3704 of 2024

1.Balachandar @ Balasundar

2.Balasundar ... Petitioners/Petitioners/ Accused 1 & 2
in CrI.OP(MD) No.4392 of 2024

Vs

The Inspector of Police,
CBCID Police Station,
Thanjavur.
Crime No.1 of 2016..

... Respondent/Respondent/
Complainant in all CrI.OPs



CRL OP(MD). Nos.3702,3704 & 4392 of 2024

(In all Crl.OPs)

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For Petitioners :Mr.R.Gandhi
Senior Counsel for
Mr.S.Sathyachidambaram,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.1 of 2016 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested on 04.01.2024 for the alleged offence under Sections 341, 307 @ 302 of IPC in Crime No.1 of 2016, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the sister of the first accused married one Meenakshi Sundaram/the brother of the deceased and she committed suicide by hanging. The first accused under the impression that at the instigation of the deceased Velayutham, his sister had committed suicide, has murdered the said Velayutham with the help of the other accused persons on 05.04.2014. The first accused was working in abroad at that point of time and he absconded to Canada

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and subsequently, he was secured, while he entered into India by a ship illegally.

Insofar as the other petitioners are concerned, they have been arrayed as accused based on the statement given by the first accused.

3.The learned counsel appearing for the petitioners submits that the petitioners are languishing in jail from 04.01.2024.

4.The learned Additional Public Prosecutor for the respondent submits that a final report has already been filed and now it has been committed to the Court of Sessions in S.C.No.90 of 2024, which is pending on the file of the Principal District Court, Thanjavur. He claims that the first accused is having several Passports and travelled to various places with different names by using different passports. If the accused are released on bail, there are chances of they absconding and the trial would be affected.

5.In reply, the learned counsel for the petitioners submits that the petitioners are ready to surrender their passports and they are also prepared to furnish substantial sureties for their availability for the trial.



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6. In view of the objections raised by the respondent that the petitioners would not be available for trial, this Court directed the petitioners to furnish the details of the sureties, who are intended to stand as sureties for them. Accordingly, the learned counsel has produced the details of the sureties, which is as under:-

- a) Mr. Rajkumar, Assistant Agricultural Officer working in Tamil Nadu Agricultural Department - Surety for A1
- b) Mr. Vijayakumar, an Engineer in a Private Organisation - Surety for A1
- c) Mrs. Maheshwari - President of Thambikottai Village - Surety for A4
- d) Mr. Veeramanikandan, who is doing a business in Thiruthuraipoondi Taluk, Thiruvarur District - Surety for A4

7. The petitioners were arrested on 04.01.2024. The final report has also been filed and the case was committed to the Principal District Court, Thanjavur in S.C.No.90 of 2024. Considering the period of incarceration and the fact that the case has been committed to the Court of Sessions and also considering the sureties offered on behalf of the petitioners that they would ensure the availability of the accused for the trial, this Court is inclined to grant bail to the petitioners with some stringent conditions.



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8. Accordingly, this Criminal Original Petition is ordered and the petitioners is ordered to be released on bail on the following conditions:-

i) The petitioners shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioners shall deposit a original document of their own valuable property before the Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, apart from the surrender of their passports.

iv) The sureties shall also furnish their property document before the Magistrate Court and they shall ensure the availability of these petitioners for trial. In the event, if the petitioners/accused evade the trial, the Prosecution is entitled to take appropriate action as against the sureties, not only for the surety amount and also for the prosecution.



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v) The petitioners shall appear before the trial Court daily until further orders.

vi) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioners shall be available for the trial as well.

vii) On violation of any of the above conditions by the petitioners and if the petitioners indulged in any activity as against the witnesses, the respondent police shall move an application for cancellation of the bail.

Considering the fact that the occurrence is of the year 2014, the trial Court is expected to proceed with the trial and conclude the same within a period of four months from the date of receipt of a copy of this order.

sd/-
26/04/2024

/ TRUE COPY /

26/04/2024
Sub-Assistant Registrar (Co)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1.THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE SUPERINTENDENT, SUB JAIL, THANJAVUR.

4.THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
THANJAVUR.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE PRINCIPAL DISTRICT JUDGE, THANJAVUR.

+3 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-4958,4959,4960[I] dated
26/04/2024)

ORDER

IN

CRL OP(MD). Nos.3702,3704 & 4392 of 2024

Date :26/04/2024

RK (26/04/2024) 7P / 10C

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