

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.04.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.O.P.No.6395 of 2021**

Prabaharan

... Petitioner

Vs.

State

Represented by Inspector of Police,  
Nallur Police Station,  
Namakkal District.  
(Crime No.103 of 2021)

... Respondent

**Prayer:**

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner/ 4<sup>th</sup> accused on bail in Crime No.103 of 2021, pending investigation on the file of respondent Police, viz., Nallur Police Station, Namakkal District.

For Petitioner : Mr.Arun Anbumani

For Respondent : Ms.M.Prabhavathi

Additional Public Prosecutor

**ORDER**

The petitioner who was arrested on 01.02.2021 for the offence under Sections 302 and 201 of I.P.C. in Cr.No.103 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the deceased died on suspicious circumstances and the deceased was murdered by the accused in this case. The petitioner is arrayed as the fourth accused in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and would further submit that the petitioner is the friend of A3 and is alleged to have helped A1 and A2 in dumping the body of the deceased and that there is no specific overtact against the petitioner.

4.The learned Additional Public Prosecutor fairly conceded that there is no previous case pending against the petitioner.

5.Considering the period of incarceration undergone by the petitioner and the fact that there is no previous case pending against the petitioner, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on

his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramathy, Namakkal District and on further condition 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

**M.DHANDAPANI,J.**

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(f)if the accused thereafter absconds, a fresh FIR can be  
registered under Section 229-A IPC.

**07.04.2021**

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Speaking Order/ Non Speaking Order

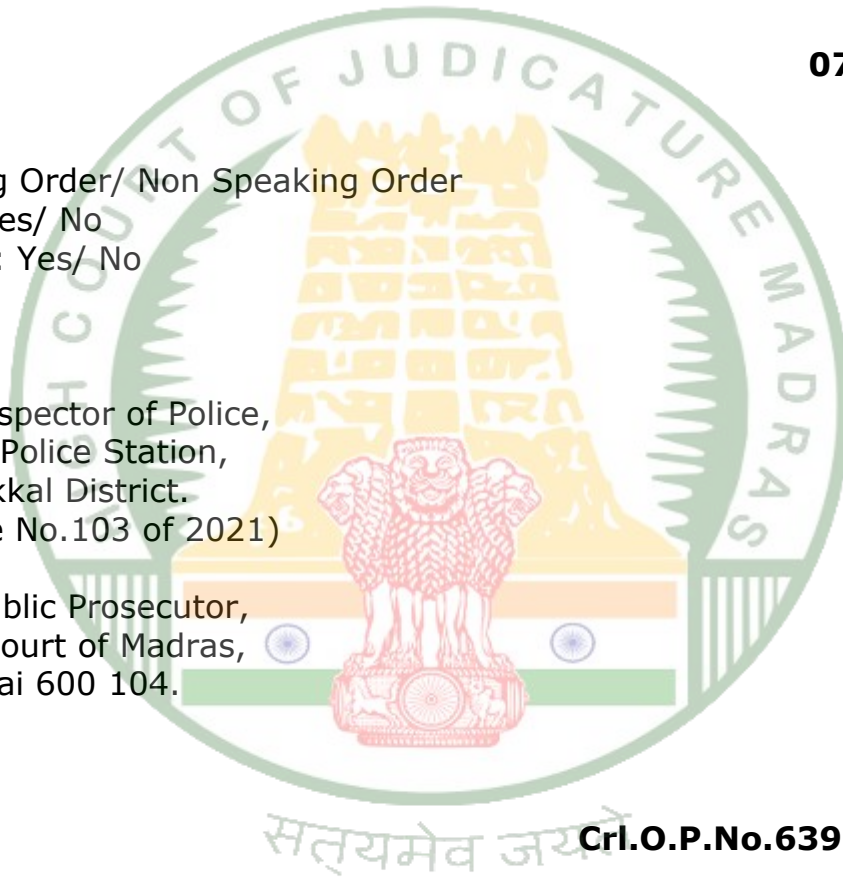
Index: Yes/ No

Internet: Yes/ No

To

1.The Inspector of Police,  
Nallur Police Station,  
Namakkal District.  
(Crime No.103 of 2021)

2.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.



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