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CrI.OP.No.17575 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.17575 of 2022

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...Petitioner

Vs.

The State of Tamil Nadu,
Rep. by its Inspector of Police,
P1- Dharmapuri Town Police Station,
Dharmapuri District.
(Crime No.320 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.320 of
2022 on the file of the respondent herein.

For Petitioner : Mr.K.K.N.Ganeshan.
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 11.05.2022 for the offences punishable under Section 302 of
IPC in crime No.320 of 2022 on the file of the respondent police, seeks
bail.

2. The case of the prosecution is that the deceased Rajesh



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outraged the modesty of the petitioner's sister. Out of sudden provocation, the petitioner had beaten the deceased with iron rod and thereby caused the death of the deceased. Hence, the case.

3. As per the case of the prosecution, the petitioner's sister was molested by the deceased and he kept on outraged her modesty. Therefore, the petitioner attacked the deceased with iron rod and sustaining grievous injuries, he died.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.11.05.2022, this Court is inclined to grant bail to the petitioner. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Dharmapuri** 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.



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[b] the petitioner report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate,
Dharmapuri.
- 2.The Inspector of Police,
P1- Dharmapuri Town Police Station,
Dharmapuri District.
- 3.Sub Jail,
Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras

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