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Crl.OP.No.19107 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM

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

Crl.OP.No.19107 of 2022

Ramesh

Vs.

...Petitioner

State represented by
The Inspector of Police,
Valappady Police Station,
(Crime No.363 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.363 of 2022 on the file of the respondent police.

For Petitioner :Mr.N.Umapathi

For Respondent :Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.06.2022 for the offences punishable under Sections 294(b) and 307 of IPC altered to Sections 294(b) and 302 IPC in crime No.363 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, the petitioner in a drunken mood is alleged to have assaulted the defacto complainant's husband with iron spade. Due to which, he sustained grievous head injuries and thereby died. Hence, the defacto complainant, who is the wife of the deceased lodged a complaint against the petitioner.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 12.06.2022 onwards. Hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that



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earlier this Court dismissed the petitioners bail petition in CrI.O.P.No.16634 of 2022 dated 18.07.2022. Hence, he opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of their arrest i.e., 12.06.2022, this Court is 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 blood sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate cum District Munsif, Valappady** 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 petitioner shall stay at Coimbatore and report



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before Peelamedu Police Station twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter 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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.08.2022

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To

1. Judicial Magistrate cum District Munsif,
Valappady.
2. Inspector of Police,
Valappady Police Station.
3. Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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