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CrI.OP.No.18818 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.OP.No.18818 of 2022

Rangasamy R @ Varatharaj

...Petitioner

Vs.

State represented by
Inspector of Police,
Perundurai Police Station,
Erode District.
(Crime No.473 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.473 of 2022 on the
file of the respondent.

For Petitioner

:Mr.J.Ranjithkumar

For Respondent

:Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.06.2022 for the offences punishable under Sections 174 Cr.P.C altered into Section 302 of IPC in crime No.473 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that totally there are three accused and the petitioner is arrayed as A1. All the accused persons and the deceased were friends. It is alleged that, on the day of occurrence, while they were consuming alcohol, there was a wordy quarrel between them, due to which, the petitioner along with other accused persons had attacked the deceased with stones, due to which, the deceased sustained grievous injuries and died.

3. The learned Additional Public Prosecutor submitted that the specific overt act against the petitioner is that the petitioner attacked the deceased with stones. Hence, he vehemently opposed for granting bail to the petitioner.



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4. The learned Counsel for the petitioner submit that there is no motive and only under the influence of alcohol, the alleged occurrence had occurred. Hence, he pray for granting 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., 29.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner are ordered to be released on bail on their executing a separate 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 **Judicial Magistrate, Perundurai** 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 Guduvancheri and report



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before the Guduvancheri 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.

10.08.2022

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To

1. Judicial Magistrate,
Perundurai.
2. Inspector of Police,
Perundurai Police Station,
Erode District.
3. District Jail,
Gobichettipalayam.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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