



Crl.O.P.No.23239 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23239 of 2022

Narasimmappa @ Narasimma

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Berigai Police Station,
Krishnagiri District.
Crime No.92 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail pending investigation in Crime
No.92 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2022 for the offences punishable under Section 302 of IPC, in Crime No.92 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to a land dispute, the petitioner along with the other accused committed murder of the victim by attacking him with wooden logs. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and there was a dispute between the defacto complainant and the other accused. He would also submit that the petitioner had only accompanied with the other accused and he has not even touched the deceased. He would further submit that the petitioner is in custody from 26.07.2022 and other than accompanying the accused, the petitioner has not committed any offence. He would further state that there are no previous cases as against the petitioner. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent would submit that the main accused had enmity with the deceased on account of a land dispute. While so, on 23.07.2022 the accused had gone to the house of the victim and had assaulted him, resulting in him sustaining injuries and succumbed to injuries. He would further submit that as far as this petitioner is concerned, other than accompanying the other accused, there is no specific overt act as against him. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and also the fact that there is no specific overt act as against the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Denkanikottai, 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 Chennai and report before the Inspector of Police, Flower Bazaar Police Station, Chennai, daily at 10.30 a.m., until further orders;

[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]**;



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

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To

1. The District Munsif cum Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
Berigai Police Station,
Krishnagiri District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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