



CrI.OP.No.25799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE **M.NIRMAL KUMAR**

CrI.OP.No.25799 of 2022

Vallarasu

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
Crime No.154 of 2022

...Respondent.

PRAYER:

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

For Petitioner : Mr.G.Saravananbhavan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.08.2022 for the offences punishable under Section 302 of IPCin Crime No.154 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, due to previous enmity, the petitioner along with other accused murdered the deceased. Hence, the case.

3. The contention of the learned counsel for the petitioner is that the petitioner except being the friend of A2, he has nothing to do with the case and the case itself proceeds on the complaint of one Ilakiya w/o. Mariyaorabhakaran, who is stated to have been murdered by the accused. The defacto complainant's husband was working as a collection agent in TVS Credit Finance Office, Villupuram and already there was a dispute between the Bala, Gugan and the petitioner with the deceased with regard to seizure of Gugan's uncle bike for non-payment of dues. On 22.08.2022,



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the deceased was informed the defacto complainant that he has been called by Bala and left the house at about 12.00 noon. At about 03.30.p.m., the said Gugan and the petitioner is said to have come in a motor bike informed about stabbing the deceased and thrown the him near the bush near the Railway Hospital. When the defacto complainant reached there, she found her husband dead. Except the said statement, there is no overt act attributed against the petitioner and the petitioner has got no previous case pending against him. Hence, he seeks for grant of bail to the petitioner.

3. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that, investigation in this case is in progress and the petitioner has got no previous cases pending against him. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.



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6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest and also considering that there is no overt act attributed 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 thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Villupuram** 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 report before the respondent police 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.



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[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.

07.11.2022

Sma

To

1. Judicial Magistrate No.I,
Villupuram
2. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
3. Central Prison,
Cuddalore
4. The Public Prosecutor,
High Court of Madras



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M.NIRMAL KUMAR, J.

Sma

CrI.O.P.No.25799 of 2022

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