



Crl.O.P.No.29783 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

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

Crl.O.P.No.29783 of 2022

G.Raja

...Petitioner

Vs.

State Rep by:
The Inspector of Police,
Uthukuli Police Station,
Tiruppur.
(Crime No.234 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner/Accused in Crime No.234/2022 on
the file of the respondent Police pending investigation.

For Petitioner : Mr.K.Anandhan

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 03.11.2022 for the offences punishable under **Section 120(b), 458, 302 read with Section 34 of Indian Penal Code** in Crime No.234 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.06.2022, one Balasubramani was murdered by five unknown persons. The allegation is that the father of the deceased person/A1 had engaged other accused (A2 to A7) to murder his son. The petitioner herein was arrayed as A7. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that apart from this case, there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.



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5. Taking into consideration the facts of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing separate 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 **learned Judicial Magistrate, Uthukuli** 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 twice daily at 10.30 a.m., and 04.30.p.m.,until further orders.

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



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[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.

02.12.2022

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To

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



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G.K.ILANTHIRAIYAN, J.

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