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CrI.O.P.No.5281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5281 of 2023

M.Raji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thalaivasal Police Station,
Salem District.

(Crime No.09 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.09
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Palaninathan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.01.2023, for the alleged offence punishable under Sections 294(b) & 302 of IPC, in Crime No.09 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Senthil, is that on account of the land dispute, the accused have abused the de-facto complainant's father in a filthy language and committed murder of him, by indiscriminately assaulting him with wooden logs. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to the previous enmity, with regard to the land dispute, the petitioner has been falsely roped in this case. He further submitted that the petitioner is in custody from 09.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, on account of the land dispute, abused the de-facto complainant's father and indiscriminately assaulted him with wooden log, resulting in which, he sustained grievous injuries and he was taken to Attur Government Hospital and later, to the Salem Government Hospital, where he breathed his last. He further submitted that investigation in this case is almost completed and also there is no previous case as against this petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Attur**, 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, North Beach Police Station, everyday 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]***;

[f] If the accused thereafter abscond, a fresh FIR



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can be registered under Section 229A IPC.

07.03.2023

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To

1. The Judicial Magistrate No.II,
Attur.
2. The Inspector of Police,
Thalaivasal Police Station,
Salem District.
3. The Attur Prison,
Salem.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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