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Crl.O.P.No.6404 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

Crl.O.P.No.6404 of 2023

Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Annadhanapatty Police Station,
Salem City.

(Crime No.29 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.29 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Rajan

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 16.01.2023, for the offences punishable under Section 302 of IPC, in Crime No.29 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Muthu Kumar, who is the employer of the deceased/victim, is that on 15.01.2023, when the victim and his friends were walking together on a road, the accused, who had come in a two wheeler, had quarrelled and assaulted the victim and his friends, for not giving way for their two wheeler. During which, the victim had fell down, sustained head injuries and died on the spot. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that it is an unfortunate incident happened during the quarrel which arouse between him and the victim and others. He also



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submitted that during the quarrel, both the petitioner and the victim and his friends have fisted with each other, during which he fell down and died. He also submitted that there is no intention or motive on the part of the petitioner to commit murder of the victim and also reiterated that the incident had happened due to the sudden fight. He further submitted that the petitioner is in custody from 16.01.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A1) along with A2, has assaulted the victim and his friends and also pushed the victim down, since the victim and his friends have not given a way for accused two wheeler and due to which, the victim sustained head injuries and died on the spot. He further submitted that no previous case is pending as against the petitioner, However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire



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materials available on record.

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

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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.IV, Salem**, 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 Cuddalore and report before the Inspector of Police, Old Town 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



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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.

21.03.2023

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To

1. The Judicial Magistrate No.IV,
Salem.
2. The Inspector of Police,
Annadhanapatty Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore.
5. The Public Prosecutor,



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High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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