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Crl.O.P.No.8712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8712 of 2023

Nithishkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Erumapatti Police Station,
Namakkal District.

(Crime No.94 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.94 of 2023, investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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 28.02.2023 for the offences punishable under Section 302 of IPC @ Sections 120(b), 302 and 201 of IPC, in Crime No.94 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Baby is that her son, Sasikumar, who was studying MCA and also working as a collection agent in L&T Private company. On 27.02.2023, she received an information that her son was lying dead with injuries. Based on her complaint, a case in Crime No.13 of 2023 was registered for the offence under Section 302 IPC. Later, during the course of investigation, it came to light that the accused 1 & 2, who had enmity on two grounds that A1, who was having the property dispute with the deceased/victim and A2, who was having enmity with the victim due to the illicit intimacy of the victim with the wife of A2, had committed murder of the de-facto complainant's son. Hence, the case.



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the victim. He also submitted that investigation in this case has been completed and the Charge sheet has also been filed on 07.04.2023 and it is yet to be taken up on the file. 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) 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 on either side and taking note of the fact that the co-accused has been granted bail by this Court 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**, each for a like sum to the satisfaction of the **learned Principal Sessions Judge, Namakkal**, and on further conditions that:



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[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 can be registered under Section 229A IPC.

21.04.2023

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To

1. The Principal Sessions Judge,
Namakkal.
2. The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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