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Crl.O.P.No.9028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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

Crl.O.P.No.9028 of 2023

Mohanasundaram

... Petitioner

Vs.

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

(Crime No.12 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.12 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.Deepanuday

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 10.02.2023, for the alleged offences punishable under Section 302 of IPC, in Crime No.12 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Viswanathan, is that due to the dispute over the demand of money, the accused have murdered the de-facto complainant's relative one Harichandran/deceased by assaulting him with bamboo sticks and stone. Hence the case.

3. Learned counsel appearing for petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the alleged offence is stated to be happened during the quarrel and also submitted the petitioner has no intention or motive to commit the murder of the victim/deceased and the incident had happened only at the spur of the moment. He also submitted that the petitioner has been suffering



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incarceration from 10.02.2023 and he is prepared to abide by any other stringent conditions that may be imposed by this Court and he is also ready to stay far away from the jurisdictional limit of the respondent Police. He also submitted that the similarly placed co-accused has been granted bail by this Court in Crl.O.P.No.7965 of 2023 dated 13.04.2023. 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 (A2) along with other accused, by assaulting the de-facto complainant's relative one Harichandran with the aid of bamboo sticks and stone, had committed murder of him, during the wordy altercation over the money dispute. He also submitted that the investigation is pending and therefore, he objected 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 materials available on record.



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

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, Paramathi, Namakkal**, 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 E-1, Mylapore 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



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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.

26.04.2023

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To

1. The Judicial Magistrate,
Paramathi, Namakkal.
2. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
3. The Central Jail,
Salem.
4. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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