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CrI.OP.No.10014 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

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

CrI.O.P.No.10014 of 2023

Ganesan

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
M-2, Mathavaram Milk Colony Police Station,
Redhills District.

(Crime No.100 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.100 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.G.Kartheeban

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
26.02.2023 for the offence punishable under Section 174 Cr.P.C @ Section 302
IPC, in Crime No.100 of 2023 on the file of the respondent police, seeks bail.



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2. It is the case of the prosecution that the petitioner is a lorry driver and the deceased person is a transgender. The deceased was doing prostitution. There was a wordy quarrel between the petitioner and the deceased regarding payment of money, due to which the petitioner strangled the deceased with her duppatta and killed her. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is a sole accused. The deceased was doing prostitution. There was a wordy quarrel between the petitioner and the deceased regarding payment of money, due to which the petitioner strangled the deceased with the duppatta and killed her. Hence, he vehemently opposed to grant bail to the petitioner.



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5. It is seen that the petitioner is a sole accused and he is a lorry driver. The deceased was doing prostitution. While the petitioner approached the deceased, there was a wordy quarrel between them with regard to payment of money. Therefore, the petitioner strangled her with her duppatta and killed her. Thereafter, she was also thrown out somewhere by the petitioner. The petitioner also took her cellphone and her two wheeler. Only on recovery, the offence has been altered to Section 302 IPC from Section 174 Cr.P.C. The petitioner was arrested and remanded to judicial custody on 26.02.2023.

6. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 26.02.2023, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Mathavaram 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



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Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioner shall report before the respondent Police daily Morning at 10.30 a.m., and Evening 05.00 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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To

- 1.The District Munsif Cum Judicial Magistrate, Mathavaram.
- 2.The Inspector of Police,
M-2, Mathavaram Milk Colony Police Station,
Redhills District.
3. The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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