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CrI.O.P.No.11417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

CrI.O.P.No.11417 of 2023

Murugan

... Petitioner

Vs.

State by
Inspector of Police,
Kottakuppam Police Station,
Villupuram District
(Crime No.112 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, pending investigation in Crime
No.112 of 2023 on the file of Inspector of Police, Kottakuppam Police Station,
Villupuram District.

For Petitioner : Mr.A.N.Rajan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
28.04.2023, for the offences punishable under Sections 294(b), 427, 307 and
302 of IPC in Crime No.112 of 2023 on the file of the respondent police, seeks
bail.



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2. The case of the prosecution is that the defacto complainant is the brother of the accused and the deceased is the father of the accused. Due to civil dispute between the petitioner and the deceased, the petitioner along with other accused came in an auto and collided into defacto complainant's father and abused his father in filthy language and attacked him with wooden log on his head, shoulder, leg, chest, as a result of which, he died. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against the petitioner. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 28.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally two accused, in which the petitioner is arrayed as A1. The deceased Periyasamy is the father of the petitioner. Due to civil dispute between the petitioner and the deceased, the petitioner along with other accused came in an auto and collided into defacto complainant's



father and abused his father in filthy language and attacked him with wooden log on his head, shoulder, leg, chest, as a result of which, he died. He further submitted that the investigation has been completed. Hence, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the investigation has been completed and also considering the fact that the petitioner is in incarceration from 28.04.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vanur** 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 report before the respondent Police weekly once i.e., on every Monday at 10.00 a.m., until further orders.



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[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.

18.05.2023

Lpp/mn

To

1. The Judicial Magistrate,
Vanur.
2. The Inspector of Police,
Kottakuppam Police Station,
Villupuram District
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Lpp/mn

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