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Crl.O.P.No.13237 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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

Crl.O.P.No.13237 of 2023

Shamkumar

... Petitioner

Vs.

State rep by
The Inspector of Police
Sriperumbudur Police Station,
Kancheepuram District.

Crime No.239 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.239 of 2023 on the file
of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.04.2023 for the offences punishable under Sections 120B, 147, 148,



212, 294(b), 302 and 506(ii) of IPC in Crime No.239 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Divya is that on account of previous enmity, on 25.03.2023, the accused had unlawfully assembled and indiscriminately assaulted her husband with Aruval, due to which, the victim died on the spot. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the other accused. He further submitted that even as per the prosecution, the allegations against the petitioner is that he has harboured the other accused in a forest area after the murder and other than that he was not present at the scene of occurrence and he has not caused any injury to the victim. He also submitted that the petitioner is in custody from 05.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, after the occurrence, had harbored the other accused in the forest area. He further submitted that no



previous case is pending against the petitioner and that the investigation has been completed and the final report has been filed before the Judicial Magistrate, Sriperumbudur and the case has been pending committal in P.R.C.No.28 of 2023. Hence, 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 police and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioner and the allegations against the petitioner is that he has harboured the other accused after the occurrence, this Court is inclined to grant of 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 Judicial Magistrate, Sriperumbudur** and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned Judicial Magistrate, Sriperumbudur in P.R.C.No.28 of 2023, on all working days at 10.30 a.m., for a period of four weeks and thereafter, on the date fixed by the learned Magistrate;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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 petitioners 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.

19.06.2023

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To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police
Sriperumbudur Police Station,
Kancheepuram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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