



Crl.O.P.No.13621 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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

Crl.O.P.No.13621 of 2023

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pallapatty Police Station,
Salem District.

(Crime No.208 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner, in Crime No.208 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.T.Saikrishnan

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



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confession statement recorded from the first accused, no other materials are available to implicate the petitioner in this case. He further submitted that the petitioner is in custody from 16.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, the petitioner along with other accused, had abused and assaulted the de-facto complainant's friend with knife, due to which, he sustained grievous injuries and died, without responding to the treatment. He further submitted that there are six accused in this case and the petitioner, who is arrayed as A3, is one of the hirelings of the first accused. He also submitted that investigation in this case is still pending and no previous case is pending against this petitioner. 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) for the respondent Police 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 this 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 Principal Sessions Court, Salem**, 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 Tiruchendur and report before the Inspector of Police, Temple 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,



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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.

21.06.2023

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To

1. The Principal Sessions Court,
Salem.
2. The Inspector of Police,
Pallapatty Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Temple Police Station,
Tiruchendur.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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