



Crl.OP.No.14617 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.14617 of 2023

Balamurali

..Petitioner

Vs.

The State represented by
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District
(Crime No.59 of 2023)

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with crime No.59 of 2023 on the file of respondent.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl side)

ORDER

This petition is filed to enlarge the petitioner on bail in connection with crime No.59 of 2023 registered for the offences under Section 147, 148, 324, 326, 506 (2) and 307 I.P.C. 1860, on the file of respondent.

2.The learned counsel for the petitioner submitted that petitioner's



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name is not stated in the First Information Report and he is implicated as accused on the basis of confessional statement of co-accused. Petitioner is in judicial custody from 04.05.2023. He is innocent and thus prayed for grant of bail to the petitioner.

3.The learned Government Advocate (Criminal side) opposed this petition on the ground that in a property dispute especially the dispute with regard to construction of swimming pool, the accused said to have caused injuries using knife and machete. The injured was discharged from hospital on 10.06.2023. Petitioner was the car driver of first accused. Petitioner has no previous case pending against him.

4.Considering the facts and circumstances of the case and nature of offence alleged against the petitioner, that he is in judicial custody from 04.05.2023, this Court is inclined to grant bail to the petitioner. 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**



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learned Judicial Magistrate, Pennagaram, 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 daily 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 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.

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To

- 1.The learned Judicial Magistrate,
Pennagaram
- 2.The Inspector of Police,
Eriyur Police Station,
Dharmapuri District
- 3.District Prison, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN.J.,

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