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Crl.OP.No.14662 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.14662 of 2023

Rathnappa

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Berigai Police Station,
Krishnagiri 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 pending
investigation on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.05.2023 for the offences punishable under Section 302 of IPC in Crime No.100 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.100 of 2023 registered for the offence under Section 302 of IPC. He further submitted that, petitioner's name is not shown as accused in the FIR and he is implicated on the basis of the confession statement of the co-accused. He further submitted that, he was not involved in the murder of the deceased, who is the petitioner's grandfather. He further submitted that, A1/Petitioner's father was released on bail by this Court in Crl.O.P.No.12591 of 2023 on 12.06.2023. Therefore, he prays for release of the petitioner.

3. In reply, the learned Government Advocate (Crl. Side)



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opposes the petition on the ground that, petitioner and his father, in connection with the property dispute, slit the throat of the deceased, who is the father of the first accused and grandfather of the petitioner.

4. Considered the rival submissions and perused the records. It is seen that, petitioner is implicated based on the statement of his father. His father, who is the 1st accused in this case has been enlarged on bail, as per the order passed by this Court in Crl.O.P.No.12591 of 2023. Petitioner is in custody from 12.05.2023. Investigation in this case is completed and final report is also filed and the same was taken cognizance in P.R.C.No.06 of 2023 on the file of the Judicial Magistrate No.I, Hosur. Taking into consideration all these aspects, this Court is inclined to grant bail to the petitioner.

5. 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, No.I, Hosur** and on further



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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].



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

30.06.2023

Sma

To

1. The Judicial Magistrate No.I,
Hosur.
- 2.The Inspector of Police,
Berigai Police Station,
Krishnagiri District.
- 3.Central Jail,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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