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Crl.OP.No.14714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14714 of 2023

Bala @ Balachandran

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
Koradachery Police Station,
Tiruvarur District.
Crime No.81 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.81 of 2023 on the
file of the Inspector of Police, Koradachery Police Station, Tiruvarur
District.

For Petitioner : Mr.S.Sekar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2023 for the offences punishable under Sections 341, 147, 148, 506(2), 307, 302, 120(B), 427 and 212 of IPC in Crime No.81 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner was no way involved in the commission of the offence. However, petitioner is shown as A3 in the FIR registered in Crime No.81 of 2023. Petitioner is in Judicial Custody from 25.04.2023. Thus, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (CrI. Side) submitted that, on an earlier occasion, deceased murdered the father of A1. As a retaliation, deceased was murdered by the accused in this case. Therefore, he opposed for grant of bail to the petitioner.



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4. Considering the nature and circumstances of the case and that it is alleged that, petitioner had no direct role in the murder of the deceased that he only assisted the persons, who committed the murder of the deceased, also the fact that the petitioner in Judicial Custody from 25.04.2023, that the substantial part of the investigation should have been over by this time, 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, Thiruvarur** 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

03.07.2023

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To

1. The Judicial Magistrate,
Thiruvavarur.
2. The Inspector of Police,
Koradachery Police Station,
Tiruvavarur District.
3. Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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