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Crl.O.P.No.14741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.O.P.No.14741 of 2023

Santhosh Kumar

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Crime No.202 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in connection with Crime No.202 of 2023 on the file of respondent herein.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2023 for the offence punishable under Sections 174 Cr.P.C @ 302 IPC in Crime No.202 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.202 of 2023 for the offences punishable under Sections 302 IPC. Petitioner is innocent. Petitioner is in judicial custody from 26.05.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, A1 and A4 are staffs of Delicious Restaurant situated in Kalapatti to Kurumbapalayam Road. On 25.05.2023, at night hours, deceased visited the restaurant after its closure and wanted the food to be served to him. A1 and A4 told him that, restaurant was closed. However, there was a wordy quarrel and scuffle between accused and the deceased. In the said scuffle, A2 and A3, who were friends of A1 joined and all the



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accused started beating the deceased. The specific case against this petitioner is that, petitioner used plastic pipe against the deceased. As a result, deceased succumbed to injuries. He further submitted that, there is no previous case pending against the petitioner. However, he prays for dismissal of this petition.

4. Considering the facts alleged in the first information report and the submissions of the learned counsel for the parties, and that petitioner is in judicial custody from 26.05.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and 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 District Munsif cum Judicial Magistrate Court, Annur** 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 morning 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.

gd/gvn

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To

- 1.The District Munsif cum Judicial Magistrate Court,
Annur.
- 2.The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
- 3.Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

gd/gvn

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