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Crl.O.P.No.15809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.15809 of 2023

J.Sureshkumar

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
E-3, Minjur Police Station,
Thiruvallur District.
Crime No.230 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.230 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.Devaraj Mahesh

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.05.2023 for the offence punishable under Section 302 IPC in Crime No.230 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 accused in Crime No.230 of 2023 for the offence under Section 302 IPC. Petitioner is innocent. Petitioner is in judicial custody from 30.05.2023. Therefore, he prays for grant of bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, 3rd accused is the temple priest of Angalaman Temple at Athipatu. Deceased is a Real estate broker. Deceased obtained Rs.5,50,000/- from 3rd accused, in connection with Real estate business. However, when 3rd accused demanded money back, deceased had not returned it. Angered at this, 3rd accused engaged 1st and 2nd accused to murder the deceased. Between 27.05.2023 and 28.05.2023 night, deceased was attacked and defacto complainant found her husband dead with serious head injuries.



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In course of investigation, it came to light that, 1st and 2nd accused, at the instigation of 3rd accused had thrown stones on the head of deceased and caused injuries. Thus, he prays for dismissal of this petition.

4 .Considering the fact that petitioner is in judicial custody from 30.05.2023 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 their 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-II, Ponneri** 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 Tirunelveli Town Police Station daily morning at 10.00 a.m., and 5.00 p.m., until further orders.

[c] the petitioner shall not abscond either during



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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.

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To

1.The Judicial Magistrate-II, Ponneri.

2.The Inspector of Police,
E-3, Minjur Police Station,
Thiruvallur District.

3.Puzhal Jail,
Thiruvallur.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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