



WEB COPY



Crl.O.P.No.18536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

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

Crl.O.P.No.18536 of 2023

M.Santhoshkumar

...Petitioner

Vs.

State Rep.by Inspector of Police,
Pallapatti Police Station,
Salem District.
(Crime No.208 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.208 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.Velayutham Pichaiya

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.18536 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.05.2023 for the offence punishable under Sections 120B, 147, 148, 294(b), 341, 324 and 302 IPC in Crime No.208 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.208 of 2023 for the offences punishable under Sections 120B, 147, 148, 294(b), 341, 324 and 302 IPC. It is his further submission that, petitioner was implicated as 5th accused in Crime No.208 of 2023. 3rd accused was already granted bail by this Court and 4th and 5th accused were already granted bail by the Principal District Sessions Court, Salem. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, 3rd accused and deceased are friends. Deceased borrowed a sum of Rs.10,00,000/- from 3rd accused and he was also involved in cheating. Despite several requests, deceased has not repaid the money to



Crl.O.P.No.18536 of 2023

the 3rd accused. Therefore, 3rd accused engaged 1st, 2nd, 4th, 5th and 6th accused to eliminate the deceased. On the date of incident i.e., on 15.05.2023, at about 6.30 p.m., the 1st and 2nd accused had attacked the deceased with knife and deadly weapons near Hatson Dairy. The specific overtact against this petitioner is that, he watched the movement of the deceased and informed the same to 1st and 2nd accused. Thus, he prays for dismissal of this petition.

4. Considering the fact that, co-accused namely 3rd, 4th and 6th accused were already released on bail and that petitioner is in judicial custody from 18.05.2023 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 Judicial Magistrate, Salem** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



Crl.O.P.No.18536 of 2023

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 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.

18.08.2023

gd/ns1

To

4/6



Crl.O.P.No.18536 of 2023

1.The Judicial Magistrate No.II,
Salem.

2.The Inspector of Police,
Pallapatti Police Station,
Salem District.

3.The Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

gd/ns1



WEB COPY



Crl.O.P.No.18536 of 2023

Crl.O.P.No.18820 of 2023

18.08.2023