



Crl.OP.No.19841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19841 of 2023

P.Srikanth

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.154 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 Crime
No.154 of 2023 on the file of respondent Police.

For Petitioner : Mr.H.Arif Ali

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2023 for the offences punishable under Section 302 of IPC in Crime No.154 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of learned counsel for the petitioner that there is no overt act alleged against the petitioner. Accused namely A1 and A8 had surrendered after the commission of murder of defacto-complainant's brother Kesavan. Before surrendering they contacted this petitioner to seek help from him. As per the First Information Report allegations, the defacto-complainant suspected one Mohan and Nagan @ Nagaraj as the persons responsible for kidnapping his brother and his death. On the date and time of alleged incident, petitioner was working in Sriram Chits, in his capacity as Manager. He has no previous case pending. He is in judicial custody from 03.07.2023. Thus, this petition is filed for seeking bail.



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3.In response, the learned Additional Public Prosecutor submitted that deceased in this case is financier. A1, A2 and A9 borrowed money from him. Deceased demanded the money lent by him to these accused. That was not repaid. Therefore, deceased had scolded A1, A2 and A9. Angered at this, accused in this case had kidnapped the defacto-complainant's brother and murdered him on 19.06.2023. The investigation conducted so far reveal that this petitioner had arranged A3 to A8 to murder the deceased. The investigation in this case is pending.

4.Considered the rival submissions and perused the records. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner was dismissed on the ground that, investigation in this case is not completed. Now, it is informed that, investigation in this case is completed and final report is sent for approval by the Prosecutor.

5.Considering the fact that investigation in this case is completed and the petitioner is in judicial custody from 03.07.2023, this Court is inclined to grant bail to the petitioner with conditions.



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6. Accordingly, 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 District Munsif Cum Judicial Magistrate, Denkanikottai** 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 respondent Police daily at 10.00.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.

15.09.2023

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To

1. District Munsif Cum Judicial Magistrate ,
Denkanikottai.
- 2.The Inspector of Police,
Thally Police Station,
Krishnagiri District.
- 3.Sub Jail,
Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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