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CrI.OP.No.20311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2023

CORAM

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

CrI.OP.No.20311 of 2023

Vishalayyanar

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
Kunnathur Police Station,
Thirupur District.
Crime No.108 of 2023.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.108 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.P.Prakash Paul
For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.07.2023 for the offence punishable under Section 302 I.P.C., in Crime No.108 of 2023, on the file of the respondent police seeks bail.

2.It is the submission of learned counsel for the petitioner that



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petitioner is falsely implicated as accused in Cr.No.108 of 2023 for the offence under Section 302 IPC. Petitioner is the son of the deceased Dharmaraj. Petitioner is in judicial custody from 10.07.2023. Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that the petitioner is the son of the deceased. There were frequent quarrel between them. The petitioner had changed car of the deceased in his name and that caused further friction in the relationship. Therefore, on 09.07.2023 at about 07.00 p.m. petitioner/first accused had instigated his friend to kill the deceased. In turn, second accused had hit the deceased on his back side of the head and caused injuries. Due to the injuries suffered, the deceased died. Investigation in this case is completed.

4.Considered the rival submissions and perused the records.

5.This is the second bail petition. Earlier bail petition filed by the petitioner in Crl.O.P.No.18166 of 2023 was dismissed on 10.08.2023, for the reason that investigation in this case is not completed. Now it is



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informed that investigation in this case is completed and final report is also filed. The case is yet to be taken on file by the learned Judicial Magistrate, Uthukuli. Petitioner is in judicial custody from 10.07.2023. In such circumstances, this Court is inclined to grant bail to the petitioner with conditions.

6. 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, Uthukuli**, 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.



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[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,
Uthukuli.
- 2.The Inspector of Police,
Kunnathur Police Station,
Thirupur District.
- 3.Sub Jail,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras



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