



CrI.OP.No.19773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2023

CORAM

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

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Thambiprabhakaran

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
Nallur Police Station,
Nallur, Tiruppur City.
Crime No.507 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.507 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.S.Rajakumar

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2023 for the offences punishable under Sections 147, 148 and 302 I.P.C., in Crime No.507 of 2023, on the file of the respondent police seeks bail.



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2.It is the submission of the learned counsel for the petitioner that petitioner's name is not found in the First Information Report. Petitioner is falsely implicated in Crime No.507 of 2023 for the offences punishable under Sections 147, 148 and 302 I.P.C. He is in judicial custody from 28.06.2023. Thus, he seeks bail for the petitioner.

3.In response, learned Additional Public Prosecutor submitted that deceased Dinesh Kumar is the husband of defacto-complainant. Dinesh Kumar has criminal cases pending against him in connection with attempt to murder and other offences. One Rajesh had frequently picked up fight with her husband. Some months back Rajesh, Ramkumar, sycomanikandan, Balajisaravanan and Kannan had come to their house and threatened her husband. After attending Court at Tiruppur, on 16.06.2023, Dineshkumar came home and informed that Rajesh and Balaji Saravanan had fought with him and Rajesh had beaten him. On 17.06.2023, at about 01.00 p.m., when defacto-complainant and her husband were at home, he left home stating that Rajesh, Balajisaravanan, Kannan, Ramkumar, Sycomanikandan and Tamilarasan had asked him to come to Chandrapuram. At about 06.00 p.m., she was informed that her



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husband was found murdered near bush. He further submitted that petitioner is one of the accused who actually participated in the assault made against the deceased. He has no previous case pending against him.

4.Considered the rival submissions and perused the records.

5.It appears that deceased himself is a rowdy element and there was a fight between him and other group of rowdies. In this fight, it appears that he was murdered. Petitioner is 11th accused in this case and he is in judicial custody from 28.06.2023. The substantial part of investigation in this case might have been completed by this time. 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 No.IV, Tiruppur**, and on further conditions that :-



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[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].

[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 No.IV,
Tiruppur.

2.The Inspector of Police,
Nallur Police Station,
Nallur, Tiruppur City.

3. Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras



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