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Crl.O.P.No.19818 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19818 of 2023

Suresh @ Sureshkumar

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
Crime No.26 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.26 of 2023 the file of the respondent police.

For Petitioner : Mr.S.Mohamed Ansar

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.06.2023 for the offence punishable under Sections 120-B, 147,



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148, 149, 286, 337, 436, 506(ii) and 153(1b) of IPC in Crime No.26 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of learned counsel for the petitioner that, prime accused in this case is arrested and released on bail. Petitioner is falsely implicated as accused in Cr.No.26 of 2023 for the offences under Sections 120-B, 147, 148, 149, 286, 337, 436, 506 (ii) and 153 (1b) of I.P.C. He is in judicial custody from 15.06.2023. Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that, one Nithya died under suspicious circumstances. The accused in this case had formed the whatsapp group to take revenge for the death of the deceased Nithya, and set fire to the defacto-complainant's tractors bearing No.TN 34 K5043, TN 28 M 8258, TN 88 AZ 1940. The reason is that, they believe that defacto-complainant gave employment to the persons who were responsible for the death of deceased Nithya. In the said incidence, three tractors had been totally burnt to ashes. Petitioner is



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one who created whatsapp group and was responsible for organizing the crime. This is the second bail petition filed by the petitioner. However, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1 Earlier bail petition was dismissed by this Court in Crl.O.P.No.17139 of 2023 on 03.08.2023, for the reason that, investigation is not completed. Though investigation in this case, according to the learned Additional Public Prosecutor is not completed, petitioner is in judicial custody from 15.06.2023.

4. Considering the duration of the judicial custody of the petitioner and also the fact that substantial part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner. Accordingly, 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



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of the learned **Judicial Magistrate, Paramathivelur, Namakkal**

District 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 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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

30.08.2023

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To

- 1.The Judicial Magistrate, Paramathivelur, Namakkal District.
- 2.The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
- 3.The Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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