



CrI.OP.No.21097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

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

CrI.O.P.No.21097 of 2023

Ramachandiran

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Kunnam Police Station,
Perambalur District.
(Crime No.330 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.330 of 2023 on the file of respondent Police.

For Petitioner : Mr.Sivakumar

For Respondent : Mr.S.Rajakumar

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2023 for the offences punishable under Section 294 (b), 323, 307 @ 294 (b), 302 I.P.C in Crime No.330 of 2023 on the file of the



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respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.330 of 2023 for the offences under Section 294 (b), 323, 307 @ 294 (b), 302 I.P.C. Later altered into under Section 302 I.P.C. There is no specific allegations against this petitioner that he had assaulted and caused the death of the deceased. Deceased died only on 02.08.2023. There is no connection with the incident and the death of the deceased. Petitioner is in judicial custody from 29.07.2023. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor opposed this petition on the ground that the defacto-complainant's husband namely Ilavarasan/deceased attended funeral on 28.07.2023. After funeral, when he was returning, petitioner/second accused asked him to pay Rs.100/- and abused him. Defacto-complainant's husband told him that he had no money. Enraged at this, first accused had scolded the deceased in a filthy language and started hitting the deceased on his nose. As a result, deceased fell down. Then the first accused had banged the head of the deceased on the road and caused extensive head injuries. As a



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result, the deceased died in the hospital on 02.08.2023.

4.Considered the rival submissions and perused the records.

5.The First Information Report allegations show that, as of now, there is no material available to show that this petitioner had given fatal blow to the deceased. Petitioner is in judicial custody from 29.07.2023. Material part of investigation might have been completed by this time. Thus, 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, Kunnam,, Perambalur**, 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



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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
Kunnam, Perambalur.
- 2.The Inspector of Police,
Kunnam Police Station,
Perambalur District.
- 3.Central Prison
Thiruchi.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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