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CrI.OP.No.21700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

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

CrI.OP.No.21700 of 2023

Mahendiran

...Petitioner

Vs.

The State Rep by
Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
(Crime No.229 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.229 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : M/s.B.Vasudevan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 341, 302 of IPC subsequently altered into Sections 109, 120(B), 212, 302, 341 of IPC in Crime No.229 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered in Crime No. 229 of 2023 for the offences under Sections 341, 302 of IPC subsequently altered into Sections 109, 120(B), 212, 302, 341 of IPC. He further submitted that the reason for the false implication is that, he had participated in the alcohol party along with A1 and A2. Petitioner is a friend of A1 and A2 and therefore, he is implicated as an accused in this case. Petitioner is in Judicial Custody from 11.07.2023. Thus, he seeks bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, A1, A2 and the deceased are relatives. There is a dispute between A1, A2 and the deceased in connection with a property.. There was a civil litigation



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pending in connection with the disputed property and the case ended in favour of the deceased. A1 & A2 had plotted to do away with the deceased. On 03.07.2023, at about 09.00.a.m., when the deceased was returning from his field in his car, he was waylaid by the accused A1 and A2 and assaulted with deadly weapons. As a sequel, deceased died. The role of the petitioner is that, he conspired with A1 & A2 to do away with the deceased.

4. Considered the rival submissions and perused the records. It is seen from the submission of the learned counsel appearing for the parties that, petitioner was roped as an accused in this case for the reason that, he conspired with A1, A2 and other accused in eliminating the deceased. Petitioner has no direct involvement in assaulting the deceased and causing his death. Petitioner is in Judicial Custody from 11.07.2023 and the material part of the investigation might have been completed by this time. Thus, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty



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Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Hosur** 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



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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.

21.09.2023

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To

1. Judicial Magistrate No.2, Hosur.

2. Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

3. Central Prison,
Salem.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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