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Cr.OP.No.26425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Cr.OP.No.26425 of 2023

Suriyan @ Suriya

...Petitioner

Vs.

The State represented by
the Inspector of Police,
Thammampatti Police Station,
Salem District (Cr.No.167/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.336 of 2023 on the file of the Mahila Court, Salem.

For Petitioner : Mr.T.Ganesan
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)

ORDER

The petitioner seeks bail in S.C.No.336 of 2023, on the file of the Mahila Court, Salem, registered under Sections 294(b), 506(ii) and 307 of IPC and subsequently, altered to Sections 294(b), 506(ii), 302 and 109 of IPC.



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2.The petitioner had been remanded to judicial custody on 22.08.2023. The deceased is the own mother of A1. Sofar as this petitioner is concerned, the matter came up for consideration in CrI.O.P.No.21430 of 2023 and noting the facts and the manner in which the deceased was murdered, this Court had dismissed the petition for bail. Even at that time, it had been observed that the Magistrate should commit the case to the Court of Sessions and charges should be framed and thereafter, there could be consideration of bail.

3.It is now stated that A1 had been granted bail by an order dated 09.11.2023 in CrI.M.P.No.1209/2023, by the learned Sessions Judge, Magalir Neethimandram, (Mahila Court), Salem. The deceased is the mother of A1. One further change in circumstances is that the charges had now been framed by the Court of Sessions.

4.In view of that fact and taking into consideration the period of incarceration suffered by the petitioner and to provide an opportunity to the petitioner to defend the case, I am inclined to grant bail to the



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petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Attur**, 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 learned Sessions Judge, Magalir Neethimandram, (Mahila Court), Salem, once in a week, every Monday at 10.00 a.m., for a period of four weeks and thereafter during the Court hearing dates.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or



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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.

06.12.2023

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To

1. The Sessions Judge, Magalir Neethimandram, (Mahila Court), Salem.
2. The Judicial Magistrate No.II, Attur.
3. The Inspector of Police,
Thammampatti Police Station,
Salem District (Cr.No.167/2023)
4. The District Jail, Attur.
5. The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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