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CrI.OP.No.26522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

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

CrI.OP.No.26522 of 2023

Murugesan S/o.Palanisamy

...Petitioner/Accused No.2

Vs.

State represented by
The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.

(Crime No.479 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.479 of 2023 on the
file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)



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ORDER

The petitioner/A2 seeks bail in Crime No.479 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and subsequently altered to Section 302 of IPC. The petitioner had been remanded to judicial custody on 10.10.2023.

2.The learned Counsel for the petitioner stated that the only overt act as against the petitioner is that he had hit the deceased with his hands.

3. The case of the prosecution is that the deceased and the accused were all friends and had consumed alcohol together and at the time, the said quarrel had started.

4. It is stated that A1 and A2 had hit the deceased with hands and A3 had punched the deceased in the head with motor bike key. Since the deceased at that time was injured and was also under the influence of alcohol, though he was admitted to hospital on 08.10.2023 and he was sent back and he was re-admitted in the hospital on 09.10.2023 and he died on 16.10.2023.



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5.Taking all these factors into consideration particularly that there was no prior motive and the entire issue arose out of a quarrel under the influence of alcohol, I am inclined to grant bail to the petitioner herein subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate-II, Pollachi, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police everyday 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.



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[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.

22.11.2023

rjr/ata



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To

- 1.The Judicial Magistrate-II, Pollachi,
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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