



CrI.O.P.No.28533 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

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

CrI.O.P.No.28533 of 2023

Ganesan S/o. Kandasamy

...Petitioner/Accused-4

Vs.

State represented by
The Inspector of Police,
Mallur Police Station,
Salem District.

(Crime No.315 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.315 of
2023 on the file of the respondent police, on such terms and conditions.

For Petitioner : Mr.M.Subash

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



CrI.O.P.No.28533 of 2023

WEB COPY

ORDER

The petitioner/A4 who was arrested and remanded to judicial custody on 28.10.2023 for the offences originally registered under Section 302 of IPC and subsequently altered to Sections 120(B), 147, 148, 294(b), 302 and 341 of IPC, in Crime No.315 of 2023, seeks bail.

2.It is case of the prosecution that A1 and the deceased were members of the same community and were also residents of the same Village. It is stated that it is a small village with just about 55 families. It is also stated that a majority of them, adhered to the words of the deceased. It is further stated that this had provoked A1 and the other accused and they had planned to do away with the deceased. It is stated that when the deceased went in the night at around 8 p.m., on 26.10.2023, he did not return back and later, his body alone was found.

3.There was a sniffer dog used and it led the investigating officer to the farm house of one Raja. Thereafter, investigation revealed that A1 had used his friends to murder the deceased and in the planning of the same,



Crl.O.P.No.28533 of 2023

it is stated by the respondent that A4/petitioner herein was the master mind. The confession statement of A1 had also been pointed out wherein the role of the petitioner had also been very specifically stated.

4.The earlier bail application of the petitioner in Crl.O.P.No.27305 of 2023 was dismissed on 01.12.2023.

5.The change in circumstance is that investigation has been practically completed and all the accused had been secured.

6.In view of the fact that there is change in circumstance and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 Judicial Magistrate No.VI, Salem 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



CrI.O.P.No.28533 of 2023

their Aadhar card or Bank pass Book to ensure their 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.

[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.

20.12.2023

ata



WEB COPY



CrI.O.P.No.28533 of 2023

To

1. The Judicial Magistrate No.VI, Salem.
2. The Central Prison, Salem.
- 3.The Inspector of Police,
Mallur Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28533 of 2023

C.V.KARTHIKEYAN. J.
ata

Crl.O.P.No.28533 of 2023

20.12.2023