



CrI.O.P.No.27829 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

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

CrI.O.P.No.27829 of 2023

Babu S/o. Sekar

...Petitioner/Accused-1

Vs.

The State represented by its
The Inspector of Police,
Aroville Police Station,
Villupuram District.
Crime No.389 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.389 of 2023 pending on the file of the respondent Police.

For Petitioner : Mr.A.Murugavel

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

ORDER

The petitioner/A1 who was arrested and remanded to judicial custody on 01.10.2023, registered by the respondent Police for the



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offences under Section 307 IPC @ Section 302 @ Sections 294(b), 302, 341 of IPC, in Crime No.389 of 2023, seeks bail.

2.It is the case of the prosecution that A1 had pledged his motorcycle to the deceased and the deceased had in turn pledged it to third party for a sum of Rs.11,000/-. The deceased had however returned back only Rs.5,000/-. Thereafter, A1 came to know that the deceased has actually received a sum of Rs.11,000/- and kept pending the balance of Rs.6,000/-. On 30.09.2023, it is stated that A1 and A2 had gone over to the house of the deceased and demanded the money and told, that otherwise the deceased would be killed.

3.It is stated that the deceased was in hospital from 30.09.2023 to 01.10.2023, when he died. There is no previous case as against the petitioner.

4.It appears to be a confrontation over return of money which has escalated into violence which led to death.

5.The bail application of A2 came up for consideration before this Court in Crl.O.P.No.27087 of 2023 and by an order dated 01.12.2023, bail had been granted.



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6.Taking all the factors into consideration, this Court is inclined to grant bail to the petitioner with certain 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 learned Judicial Magistrate, Vanur, Villupuram District 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 10.30 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



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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.

13.12.2023

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To

- 1.The Judicial Magistrate, Vanur, Villupuram District.
- 2.The Central Prison, Cuddalore.
- 3.The Inspector of Police,
Aroville Police Station,
Villupuram District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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