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Crl.O.P.No.28601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.O.P.No.28601 of 2023

M.Kumaresan

... Petitioner/Accused-1

Vs.

The State represented by
The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District.

(Crime No.255 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.255 of 2023 on the file of
the respondent on such terms and conditions.

For Petitioner : Mr.N.Manoharan

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



CrI.O.P.No.28601 of 2023

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ORDER

The petitioner/A1 seeks bail in Crime No.255 of 2023, originally registered under Section 174 of Cr.P.C., and later altered to Section 306 of IPC.

2.It is stated that the defacto complainant and her husband, were doing cultivation in the land adjacent to the land of the accused persons. It is stated that the petitioner objected to it and had damaged the crops. Independently, the Village Administrative Officer had also raised objections and claimed that, that particular land was a Poromboke land. Aggrieved by all these, the deceased had committed suicide.

3.It is stated that A2 has filed a petition seeking bail before this Court which is still pending.

4.So far as this petitioner is concerned, he is A1. The learned counsel for the petitioner stated that the petitioner would deposit a sum of Rs.50,000/- to the credit of the Crime No.255 of 2023.



Crl.O.P.No.28601 of 2023

WEB COPY

5.Taking all these factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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, Denkanikottai, 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 everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.255 of 2023 before the learned Judicial Magistrate, Denkanikottai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such deposit, the learned Judicial Magistrate, Denkanikottai, may hand over the same to the defacto complainant.

[d] the petitioner shall not abscond either during investigation or



CrI.O.P.No.28601 of 2023

trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.12.2023

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CrI.O.P.No.28601 of 2023

To

1.The Judicial Magistrate, Denkanikottai.

2.The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District.

3.The Sub-jail, Dharmapuri.

4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.28601 of 2023

C.V.KARTHIKEYAN, J.
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Crl.O.P.No.28601 of 2023

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