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Crl.O.P.No.850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

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

Crl.O.P.No.850 of 2024

1.Murugan S/o. Angamuthu
2.Seenivasan S/o. Murugan

... Petitioners/Accused

Vs.

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

(Crime No.564 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.564 of 2023 on the file
of the respondent.

For petitioners : Mr.D.Ashokkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioners are A1 and A2 / father and son in Crime No.564 of 2023, registered by the respondent police for the offence under Sections 294(b) & 302 of IPC, seek bail. They had been remanded to custody on 08.11.2023.

2.It is stated that the defacto complainant is the relative of the deceased Loganathan. The mother of the deceased had also passed. The deceased said to have got mentally affected by the death of his mother. Later, on the date of occurrence, the deceased had misbehaved with the wife of the 2nd petitioner which was a provocation for the petitioners/father and son to assault him. Originally, the case was registered under Section 323 of IPC and later altered to Section 307 of IPC and subsequently further altered to Section 302 IPC.

3.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) each with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Vazhappadi, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

12.01.2024

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C.V.KARTHIKEYAN, J.

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To

- 1.The District Munsif cum Judicial Magistrate, Vazhappadi.
- 2.The Inspector of Police,
Vazhappadi Police Station,
Salem District.
- 3.Sub Jail, Attur, Salem District.
4. The Public Prosecutor,
High Court of Madras.

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