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Crl.O.P.No.1951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

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

Crl.O.P.No.1951 of 2024

S.Rithick

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur.
Crime No.343 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.343 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.P.Thinesh

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 08.12.2023 for the offences registered under Sections 364, 307 and 302 of
IPC in Cr.No.343 of 2023 on the file of the respondent Police, seeks bail.



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2.It is the case of the prosecution that there was a money dispute between A1, A2 and the deceased and all three accused had abducted the deceased in a car and thereafter, attacked him causing bleeding injuries and they had left the body near CMC Hospital, Coimbatore and escaped. Thereafter, Post Mortem was conducted and on completion of investigation, the accused had been taken into custody.

3.A1 and A2 had been detained under Act 14 of 1982.

4.The learned counsel for the petitioner stated that on the basis of the confession statement recorded from A1 and A2, the role of this petitioner has been determined by the respondent.

5.Taking into consideration the period of incarceration and also of the fact that the investigation has been completed, 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 No.I, Gobichettipalayam 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.



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[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.

14.02.2024

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To

- 1.The Judicial Magistrate No.I, Gobichettipalayam.
- 2.The Inspector of Police,
Gudimangalam Police Station, Tiruppur.
- 3.The Central Prison, Tiruppur.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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