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CrI.O.P.No.10149 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

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

CrI.O.P.No.10149 of 2024

Murugan @ Kandhasamy

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
Poolampatti Police Station,
Salem.

Crime No.243 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail in P.R.C. No.3/2024 before the District Munsif cum Judicial Magistrate at Edappadi in Crime No.243 of 2023 on the file of the respondent police.

For Petitioner : Mr.Franklin J

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 01.11.2023, for the offences under Sections 294(b), 307 of



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I.P.C altered to 302 of I.P.C in crime No.243 of 2023, seeks bail.

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2. It is stated that there are two deceased owing to civil dispute. The petitioner herein and his son who is a juvenile had gone in a car bearing Registration No.TN-38-A-6323 and had dashed against the deceased and thereafter also attacked the deceased. One of them died in the spot and the other person died after giving complaint in the hospital. Investigation has been completed and the matter has been taken cognizance as P.R.C.No.26 of 2024 by the Judicial Magistrate, Edapadi.

3. The earlier petition seeking bail was dismissed on 12.02.2024 in Crl.O.P.No.1040 of 2024. The change in circumstance is that the matter had been committed by the learned Judicial Magistrate, Edappadi and it is now pending before the I Additional Sessions Court at Salem in S.C. No.104 of 2024.

4. Taking that factor into consideration and the period of incarceration, bail is granted to the petitioner subject to the following conditions:



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5. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned The District Munsif cum Judicial Magistrate, Edappadi 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 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].



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

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To

1. The State, represented by
The Inspector of Police,
Poolampatti Police Station,
Salem.
2. The Central Prison, Salem.
3. The District Munsif cum Judicial Magistrate,
Edappadi.
4. The Public Prosecutor, High Court of Madras.
5. The I Additional Sessions Judge,
Salem.



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C.V.KARTHIKEYAN. J.

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