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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.11192 of 2024

1.Ramesh
2.Kannan
3.Thulasi

... Petitioners

Vs.

State Rep by.
The Inspector of Police
Chithamur Police Station, Chengalpet District.
Crime No. 83 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 83 of 2024 on the file
of respondent police.

For Petitioner : Mr.P.Anbazhagan
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (CrI. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.03.2024 for the alleged offences punishable under Sections 294(b), 341, 323, 324, 506 (II) @ 302 IPC **in crime No. 83 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant's son had love affair with the daughter of the first petitioner but the same was opposed by the first petitioner. Since he continued the affair, on the 28.12.2023,, the petitioners waylaid the defacto complainant's son, abused him, assaulted him with iron rod, thereby, caused injuries, despite giving treatment the victim died on 01.03.2024. Initially case was registered under Sections 294(b), 341, 323, 324, 506 (II) later altered into Section 302 IPC.

3. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and the petitioner were not involved in the said offence as alleged by the prosecution. Hence, he prays to allow this petition.



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4. The learned Government Advocate (Crl Side) submits that the petitioners attacked the deceased with iron rod and sustained injuries. Thereafter, he was admitted in hospital but after three months he died. Initially case was registered under Sections 294(b), 341, 323, 324, 506 (II) later altered into Section 302 IPC. He, prays to dismiss this petition.

5. Considering the period of incarceration undergone by the petitioners and also the investigation is almost completed.. Hence, this Court is inclined to grant bail to the petitioners with the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate Cheyyur**, 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 stay report before the respondent police on alternative days at 10.30 a.m., for a period of three months.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. On considering the pain and suffering and the



welfare of the deceased family, this Court recommends that it is a fit case to refer, as per 357(A) (1) (2) and (6) of Cr.P.C., the Chairman, District Legal Services Authority, Chengalpet, is hereby directed to pass appropriate orders to the District Collector , Chengalpet, for disbursing the compensation amount of Rs.1,00,000/- (Rupees One Lakh Only) as interim compensation to the parents of the deceased, in the manner known to law based on the available schemes within a period of 4 weeks from the date of receipt of copy of this order and the defacto complainant is permitted to withdraw the above said amount.

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T.V.THAMILSELVI,J.

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To

1. The **District Munsif cum Judicial Magistrate Court, Cheyyur.**
2. The Inspector of Police
Chithamur Police Station, Chengalpet District.
3. The Puzhal Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.11192 of 2024

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