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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

Crl.O.P.No.11506 of 2024

Harish Chandrababu

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Veeranam Police Station,
Salem District. Crime No. 546 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in relation to Crime No. 546 of 2024
on the file of the respondent police station.

For Petitioner : Mr.E.C.Ramesh
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on **30.03.2024** for the alleged offences punishable under Sections 147, 148, 302 IPC **in crime No. 546 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the deceased have borrowed a sum of Rs.1 lakhs from the first accused for his agriculture needs. Thereafter, the first accused demanded the deceased to repay the said loan but the deceased refused to pay the said loan due to which the first accused attacked the deceased on his head and other accused also attacked the deceased and he fainted near the will and died. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also his name was not mentioned in the FIR. Further, there is no specific overtact against the petitioner. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl Side) submits that the



overtact against the petitioner is accompanied with other accused persons.

5. Considering the period of incarceration undergone by the petitioner and also there is no specific overtact against the petitioner. Further, the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner with the following conditions:

6. Accordingly, the petitioner is 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 Judicial Magistrate, Salem,** 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 daily at 10.30 a.m., for a period of three months.



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

7. On considering the fact that the deceased died leaving two children 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, Salem, is hereby directed to pass appropriate orders to the District Collector, Salem, for disbursing the compensation amount of Rs.75,000/- (Rupees Seventy Five Thousand Only) each as interim compensation to the children of the deceased, in



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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 said amount shall be deposited in the Fixed deposit account of the minor child.

03.06.2024

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate, Salem.**
2. The Inspector of Police
Veeranam Police Station,
Salem District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.11506 of 2024

03.06.2024