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Crl.O.P.No.19776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.19776 of 2024

Kicha @ Krishnamurthi @ Krishnan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Annadhanapatti Police Station,
Salem City
Salem District,
(Crime No. 433 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in the event of arrest in Crime No.
433 of 2024 on the file of the respondent Police.

For Petitioner : Mr.B. Vasudevan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.07.2024, for the alleged offence punishable under Sections 103(1)



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BNS altered to Section 103(2), 126(2), 191(2), 191(3), 49, 61(2)(a) BNS, in Crime No.433 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, on 03.07.2024 at about 9.30 p.m, the petitioner along with other accused persons waylaid the deceased near Mariammankoil, assaulted the deceased with an aruval, as a result of which, he died. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that based on the confession of the A1, this petitioner was arrested. He would further submit that the petitioner was arrested and is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted there are totally 15 accused in this case and the petitioner herein is arrayed as A12. He further submit that A1 is a seller of lottery tickets. Due to previous enmity, on the date of the incident, A1, this petitioner and other accused persons waylaid the deceased, assaulted him with an aruval, thereby causing his death. He further submits that the specific overt act against this petitioner is that he watched the movement of the deceased and informed the prime accused. He further submit that the investigation was completed and he has no cases pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and based on the confession of the arrested accused this petitioner was arrayed as accused and considering the specific overt act against this petitioner, and there are no previous cases was pending against him,



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investigation was completed, and

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also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the Judicial Magistrate No.4, Salem, and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 269 BNS.

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drl

To

- 1.The Judicial Magistrate No.4,
Salem.
- 2.The Sub-Inspector of Police,
Annadhanapatti Police Station,
Salem City
Salem District,
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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