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CrI.O.P.No.21771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

CrI.O.P.No.21771 of 2024

Jagan @ Jaganathan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Mallasamudram Police Station,  
Namakkal District.  
(Crime No. 96 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S.,  
pleased to enlarge the petitioner on bail, in Crime No. 96 of 2024 on the file  
of the respondent Police.

For Petitioner : Mr.T.Shanmuga Boopathi

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 26.06.2024, for the alleged offence punishable under Section Man missing



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@ 143, 364, 302 r/w 201, in Crime No.96 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to property dispute between the accused and the deceased, the petitioners A1 to A3 arranged for the accused A4 to A10, who are the henchmen to commit the murder of the deceased through them. 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. since he has got some previous cases. He has not committed any offence as alleged in the FIR. He further submit that there is no specific overt act as against this petitioner. He would further submit that the petitioner was arrested and is in judicial custody for more than 70 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 10 accused in this case and



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the petitioner herein is arrayed as A6. He further submit that due to a property dispute between the deceased and the accused 1 to 3, the petitioner A5 & A6, kidnapped the deceased using a van, belonging to A6, who is a bank owner, at the place of occurrence. Later, at a remote place, the deceased was murdered. He further submitted that the petitioner has no previous cases, pending against him. He further submit that the A1 is still absconding and the co-accused was released on bail. Hence, 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 made by the learned counsel on either side, nature of offence, and considering that the petitioner has no previous cases pending against him, and co-accused was also released on bail, and also considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 Court, Tiruchengode, 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.

**10.09.2024**

drl

To

- 1.The Judicial Magistrate Court,  
Tiruchengode.
- 2.The Inspector of Police,  
Mallasamudram Police Station,  
Namakkal District.
- 3.The Superintendent,  
Central Prison, Salem.
- 4.The Public Prosecutor,  
High Court of Madras.



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**P.DHANABAL, J.**

drl

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