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CRL O.P. No.22086 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22086 of 2024

Pravin Kumar

... Petitioner / Accused - 3

Vs

State rep. by
The Inspector of Police,
Mallasamuthiram Police Station,
Namakkal District.

(Crime No.96 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.96 of 2024, on the file of the respondent.

For Petitioner : Mr.R.Vivekananthan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.06.2024 for the offences punishable under Sections 143, 364, 302 of IPC r/w 201 of IPC, in Crime No.96 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner/A3 is the son, A2 is the son-in-law and A1 is the father of A2 and the defacto complainant is the daughter-in-law of the deceased. Owing to property dispute between the accused and the defacto complainant, the accused, namely A1 to A3, have arranged henchmen, namely A4 to A10, kidnapped the deceased and committed murder on him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody from 15.06.2024 and there is no previous case as against the petitioner. He would also submit that the petitioner is ready to abide by any stringent



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condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that due to property dispute, the petitioner along with the other accused, conspired together, kidnapped the deceased and committed murder on him. He would further submit that investigation has been completed and there is no previous case against the petitioner. He would also submit that except this petitioner, all the other accused were detained under Tamil Nadu Act 14 of 1982. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that investigation has been completed and that there is no previous case pending against the petitioner and the petitioner has been in custody from 15.06.2024 and also taking into consideration all other factors, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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, Tiruchengode**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

06.09.2024

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To

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



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P.DHANABAL,J.
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