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CrI.O.P.No.31031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.31031 of 2024

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.

(Crime No.94 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.94 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

Petition seeking bail in respect of Crime No.94 of 2024 registered for the offence punishable under Section 103 of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 02.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is none other than the father of the deceased and on the alleged date of occurrence, since the deceased quarrelled with the petitioner in an inebriated condition, there was a scuffle between them, during such time, the incident had happened. He also submits that the incident had happened only during the quarrel and there is no intention or motive on the part of the petitioner to cause the death of his son. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that it is the case, where, during the quarrel, the petitioner had assaulted his son/victim, who had come home in an inebriated condition, with iron pipe and due to which, the victim succumbed to injuries. He further submits that the investigation in this case is still pending.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the



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materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Pennagaram**, 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 stay at Salem and report before the Inspector of Police, Ammapet Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police;

[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



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bail by the learned Magistrate/Trial Court himself as laid down

A.D.JAGADISH CHANDIRA.,J.

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by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala***
[(2005)AIR SCW 5560];

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

12.12.2024

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To

1. The Judicial Magistrate, Pennagaram.
2. The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.
3. The Superintendent,
District Jail, Dharmapuri District.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Ammamet Police Station,
Salem.

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