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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

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

Crl.O.P.No.815 of 2025

Sathiyamoorthy ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mahendhiramangalam Police Station,
Dharmapuri District.
(Crime No.121 of 2024). ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner/accused on bail, in connection with Crime No.121 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Jaisingh

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

O R D E R

Petition seeking bail in respect of Crime No.121 of 2024 registered for the alleged offences 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 in no way connected with the alleged offence, however, due to previous enmity, the petitioner was implicated in this case. He also submits that the investigation in this case has been completed and 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 due to the relationship between the petitioner and the wife of the victim/deceased, there was a dispute between the petitioner and the victim and on account of which, on the alleged date of occurrence, the petitioner had murdered the victim/deceased by assaulting him with sharp weapon. He also submits that the investigation in this case has been completed and the case has also been taken up for trial in S.C.No.1 of 2025 on the file of the Principal District Judge, Dharmapuri and now the case stands posted on 23.01.2025.

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4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner and that the case has been taken up for trial, 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, Palakkodu, Dharmapuri,** 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 appear before the learned Principal District Judge, Dharmapuri on all working days at 10.30 a.m., for a period of three weeks and thereafter, on the dates fixed by the learned Judge;

[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

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A.D.JAGADISH CHANDIRA., J.

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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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.01.2025

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To

1. The Principal District Judge, Dharmapuri.
2. The Judicial Magistrate,
   Palakkodu, Dharmapuri.
3. The Inspector of Police,
   Mahendhiramangalam Police Station,
   Dharmapuri District.
4. The Superintendent,
   District Jail, Dharmapuri.
5. The Public Prosecutor,
   High Court of Madras.

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