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**(2024) 02 MAD CK 0055**

**Madras High Court**

**Case No:** Criminal Original Petition No. 1528 Of 2024

V.Allimuthu

APPELLANT

Vs

State

RESPONDENT

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**Date of Decision:** Feb. 12, 2024

**Acts Referred:**

- Indian Penal Code, 1860 - Section 229A, 302
- Arms Act, 1959 - Section 7(a), 25(1)(A), 27(3)

**Hon'ble Judges:** C.V.Karthikeyan, J

**Bench:** Single Bench

**Advocate:** L.Rajendran, L.Baskaran

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**Judgement**

C.V.Karthikeyan, J

1. The petitioner, who was arrested and remanded to judicial custody on 09.11.2023 for the offences punishable under Section 302 IPC and Section 7(a), 25(1)(A) r/w Section 27(3) of Arms Act in Crime No.264 of 2023, seeks bail.

2.It is stated that the deceased was having illicit intimacy with the wife of the petitioner and they were also leaving separately. Thereafter, on 30.10.2023, when the defacto complainant and the deceased were in their house, the petitioner had shot the deceased with the single whole country made gun causing death. It is also stated that investigation has been completed and the report of the Forensic Science Laboratory alone is awaited.

3.Taking all these factors into consideration and the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner, but however, directing the petitioner to stay at Vellore and sign before the Inspector of Police, Vellore South Police Station, Vellore District and subject to the following conditions:

4.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 learned Judicial Magistrate, Rasipuram, Namakkal District, 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 report before the Inspector of Police, Vellore South Police Station, Vellore District, everyday at 10.30 a.m., until further orders.

[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 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 229A IPC.