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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.10478 of 2022

1 HARIKRISHNAN
2 JAYAKUMAR
3 RAGUL
4 BANUDURAI
5 SOUNDARARAJAN
6 KUMAR
7 ELUMALI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE SUB INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT
CR.NO.123 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.PANNEER SELVAM Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 30.03.2022 for the alleged offences under Sections 147, 148, 294(b), 323, 341, 307 and 506(ii) of IPC in Crime No.123 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the wife of one Vadamalai was having an illegal relationship with the 4th petitioner (A4). This was questioned by Vadamalai and there was a wordy quarrel. By 29.03.2022, all the accused persons went to the house of the said Vadamalai and since he was not available, the de-facto complainant



who is his friend was attacked with knife and he sustained grievous injuries.

3. Heard Mr.S.Panneer Selvam, learned counsel for the petitioners and Mr.S.Santhosh, learned Government Advocate (Criminal Side) for the respondent.

4. The earlier bail petition that was filed by the petitioners was dismissed as withdrawn on 11.04.2022 and this Court did not go into the merits of the case.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioners have already suffered incarceration nearly 48 days and there are no previous cases against the petitioners and the injured has already been discharged from hospital, this Court is inclined to enlarge the petitioners on bail by imposing certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.5,000/- (Rupees ten thousand only) with two sureties, for each a like sum to the satisfaction of the learned Judicial Magistrate, Chengam 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 petitioners shall report before the respondent police on every Friday at 6.30 p.m for a period of six weeks and thereafter as and when required.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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.

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-sd/-
18/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM
TIRUVANNAMALAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON,
VELLORE

CC to M/S.S.PANNEER SELVAM Advocate on payment of necessary charges

CRL OP.10478/2022

Date :18/05/2022

SP (20/05/2022)