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Crl.OP.No.17377 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.17377 of 2022

Rajendiran

...Petitioner

Vs.

The State rep by its
The Inspector of Police,
Varanjam Police Station,
Kallakurichi District.
In Crime No.53 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Cr. No.53 of 2022 on the file
of respondent police.

For Petitioner	: Mr.S.Saravana Kumar
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 26.05.2022 for the offences punishable under Sections 147,
148, 296(b), 427, 449, 341, 302 of IPC in crime No.53 of 2022 on the file



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of the respondent police, seeks bail.

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2. It is the case of the prosecution that on 26.05.2020 at about 7.30 p.m., the deceased parked his Tata Ace vehicle bearing registration No.TN16 B 1272 in front of his shop, at that time A1 came in his two wheeler and dashed against the deceased's vehicle and when the same was questioned by the deceased, there was a wordy quarrel arose between them. On the said day at about 8.00 p.m., again the petitioner along with other accused persons trespassed the defacto complainant's home, abused in filthy language and dragged on the deceased. Thereafter, A1 attacked the deceased with knife on his right thigh and A2 to A5 indiscriminately attacked the deceased by kicking his chest, by which he fainted, pursuant to which he was taken to Government Hospital, Kallakurichi and there, the doctor declared him dead. Hence, the case.

3. The learned counsel for the petitioner would submit that there is no specific overt act as against the petitioner except that he assaulted the deceased with sticks.



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4. The learned Additional Public Prosecutor submitted that due previous enmity, on the date of occurrence, the petitioner along with other accused persons waylaid the defacto complainant and attacked with wooden log on head. He would further submit that the petitioner attacked the deceased with knife. As such, he has specific overt act. Hence, he vehemently opposed to grant bail to the second petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 26.05.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.I, Kallakurichi** 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 Chennai and report before the Inspector of Police, Egmore Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report



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before the respondent police daily 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.

25.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.I,
Kallakurichi.
- 2.The Inspector of Police,
Varanjam Police Station,
Kallakurichi District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

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