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CrI.OP.No.17796 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM

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

CrI.OP.No.17796 of 2022

Ramesh

...Petitioner

Vs.

State by: The Inspector of Police,
Latheri Police Station,
Vellore.

(Crime No.128/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the grant bail to the petitioner in Crime No.128 of
2022 on the file of the respondent-Police Station.

For Petitioner	: Mr.P.Pugalenth
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
294(b), 323, 324, 506(ii) of IPC and 4 of WH Act @ Sections 294(b),
323, 324, 506(ii), 302 of IPC and 4 of WH Act in crime No.128 of 2022
on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that, due to family dispute, the petitioner herein along with other accused persons had assaulted the *de-facto* complainant's son with coconut-leaf stalk. Due to which, the victim sustained grievous injuries and died. Hence, the complaint.

3. There are totally 3 accused, in which the petitioner is arrayed as A1. The petitioner herein is the own brother of the *de-facto* complainant. The deceased used to give false information about the petitioner's daughter. Therefore, there was previous enmity between the petitioner's family and the deceased family. On the date of occurrence, the petitioner and the other accused persons attacked the deceased with coconut leaf stalk and as such, he sustained grievous injuries. Immediately, he was admitted in the hospital, however, he died. Then the offences was altered into Sections 294(b), 323, 324, 506(ii), 302 of IPC and 4 of WH Act.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his



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arrest i.e., on 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 **Judicial Magistrate Court, Katpadi, Vellore 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 respondent police twice daily at 10.30 a.m. and 5.30 p.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.



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court, Katpadi, Vellore District.
- 2.The Inspector of Police,
Latheri Police Station,
Vellore.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras

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