



Crl.OP.No.22360 of 2022

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 19.09.2022**

**CORAM**

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

**Crl.OP.No.22360 of 2022**

Charles Rajkumar

... Petitioner

**Vs.**

State by: Inspector of Police,  
B-1 Town Police Station,  
Ooty Town Central,  
Nilgiris.  
Crime No.143 of 2022

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to grant bail to the petitioner in Crime No.143 of 2022 pending  
investigation on the file of the respondent police.

For Petitioner : Mr.S.Vellidoss

For Respondent : Mr.R.Vinoth Raja  
Government Advocate (Crl. Side)



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 15.07.2022 for the offence punishable under Section 302 of IPC in Crime No.143 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on account of wordy altercation for demand of money, the petitioner along with the other accused had joint together and assaulted the brother of the defacto complainant with hands, resulting him in falling down and succumbing to injuries. Hence, the case.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that even as per the prosecution, there was a wordy altercation and that the petitioner and the other accused are stated to have assaulted the deceased with hands. Further, no weapons have been used at the alleged occurrence and the petitioner has no intention to commit murder of the deceased. He would submit that the petitioner is in custody from 15.07.2022. Hence, he seeks to enlarge the petitioner on bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused, due to wordy altercation, had assaulted the victim, who was mentally retarded person, resulting him in falling down and succumbing to injuries. The petitioner and the other accused have assaulted him with hands and also kicked him throughout the body. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner from 15.07.2022 and also the fact that no weapons were used, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Ooty** and on further conditions that:

[a] the sureties shall affix their photographs and



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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 Coimbatore and report before the R.S.Puram Police Station, Coimbatore every day at 10.30 a.m., and 5.30 pm., 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 abscond, a fresh FIR



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can be registered under Section 229A IPC.

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shk

To

1. The Learned Judicial Magistrate Court, Ooty
2. The Inspector of Police,  
B-1 Town Police Station,  
Ooty Town Central,  
Nilgiris.
3. The Central Prison,  
Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA,J.**

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