



Crl.OP.No.24436 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

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1. K.Rajasekar
2. T.Balakrishnan
3. D.Selvaraj
4. Deephan Chakravathy @ Dheeban Chakravarthy
5. S.Selvakumar

...Petitioners

Vs.

State represented by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.329 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners on bail pending investigation in Crime No.329 of 2022 on the file of the Respondent Police.

For Petitioners :Mr.S.Ganeshkumar

For Respondent :Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

The Petitioners, who were arrested and remanded to judicial custody on 20.09.2022 for the offences punishable under **Sections 147, 148, 341, 323, 326, 307 and 379 of IPC read with Section 3(1) of TNPPDL Act** in Crime No.329 of 2022 on the file of the respondent police, seek bail.

2. The Case of the Prosecution is that, due to previous enmity, the Petitioners along with other accused waylaid and attacked the Defacto Complainant using deadly weapons and also abused in filthy language, due to which, the Defacto Complainant sustained grievous injuries. Hence, the case.

3. The Learned Counsel for the Petitioners submitted that the Petitioners are innocent persons and that they did not commit any offence as alleged by the prosecution. Hence, he prays for grant of bail to the Petitioners.



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4. The learned Additional Public Prosecutor submitted that the injured Victim has been discharged from the Hospital on the next day. However, he opposed for granting bail to the petitioners.

5. Considering the submissions made by the Learned Counsel for the Petitioners and the objections made by the Learned Additional Public Prosecutor, this Court is inclined to grant bail to the Petitioners with the following conditions.

6. Accordingly, the Petitioners are ordered to be released on bail on executing their bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Learned Judicial Magistrate -II, Attur**. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate -II, Attur shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.



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(b) the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sma/Shk



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To

1. Judicial Magistrate-II,
Attur.

2. The Inspector of Police,
Thalaivasal Police Station,
Salem District.

3. District Prison,
Atrur.

4. The Public Prosecutor,
High Court of Madras



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SATHI KUMAR SUKUMARA KURUP., J.

Sma/Shk

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