



Crl.O.P.No.28987 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

Crl.O.P.No.28987 of 2022

Rajkumar

... Petitioner

Vs.

State rep. by the
The Inspector of Police,
Aalivalam Police Station,
Tiruvarur District.

(Crime No.125 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.125 of 2022 pending on
the file of the respondent.

For Petitioner : Mr.K.M.Subramaniam

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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respondent submitted that due to a quarrel on account of a road accident, the accused had trespassed into the house of the *de-facto* complainant and assaulted him with wooden log. He further submitted that the victim was admitted in the hospital on 02.10.2022 and later succumbing to injuries died on 27.10.2022. He also stated that as far as this petitioner is concerned, he has got 9 previous cases including the offence under Section 307 IPC. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture the learned counsel for the petitioner submitted that the previous case for the offence under Section 307 IPC was registered during the year 2018 and no case is registered as against the petitioner in recent days. He also submitted that the petitioner is in custody from 06.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he seeks for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. Taking into consideration the facts and the circumstances of the case and the submissions made by the learned counsel and also considering the fact that the co-accused have been granted bail, this Court is inclined to grant bail to the petitioner.

8. 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 **Judicial Magistrate Court, Thiruthuraipoondi**, 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 Tirunelveli and report before the Inspector of Police, Tirunelveli Town Police Station everyday at 10.30 a.m., until further orders.

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



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[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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To

1. The Judicial Magistrate Court,
Thiruthuraipoondi.
2. The Inspector of Police,
Aalivalam Police Station,
Tiruvarur District.
3. The Central Prison,
Tiruchirapalli.
4. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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