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CrI.OP.No.10379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

CrI.OP.No.10379 of 2023

Durairasu

... Petitioner/ A. No.(Not Known)

Vs.

State Rep by  
Station House Officer,  
Kurinjipadi Police Station,  
Cuddalore District.  
Crime No.55 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 55 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr.A.Damodaran,  
Additional Public Prosecutor



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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 04.03.2023 for the offence punishable under Section 341, 294(b), 324 and 302 of IPC, in Crime No.55 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on the date of occurrence, the deceased while returning to home from the work in his activa bike, the petitioner along with other accused have assaulted the deceased in head, due to which he sustained injuries, and succumbed to death. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally six accused involved in this case and the petitioner is



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arrayed as A3. The wife of A3 had illegal intimacy with the deceased.

Therefore, in order to do away with the life of the deceased, A3 and A2 murdered him. He would further submitted that if the petitioner is released on bail, there is possibility of abscondance and will hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, the submissions made by both counsel and also the period of incarceration undergone by the petitioner from 04.03.2023, this Court is inclined to grant bail to the petitioner.

6. 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 Principal District and Sessions Judge, Cuddalore 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 report before the respondent police daily at 10.30 a.m., and 05.30 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.**

nr/gbi

To

- 1.The Principal District and Sessions Judge,  
Cuddalore.
2. The Station House Officer,  
Kurinjipadi Police Station,  
Cuddalore District.
3. The Central Prison,  
Cuddalore.
- 4.The Public Prosecutor,  
High Court of Madras,  
Chennai

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