



Crl.OP.No.12024 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12024 of 2023

1.Kattai Rajendiran @ Rajendiran
2.Arunkannan

... Petitioners

Vs.

State rep. by
Station House Officer
Mandharakuppam Police Station,
Cuddalore District.
(Crime No.97/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in the above Crime No.97/2023 on
the file of the Respondent.

For Petitioners : Mr.K.Karuppaiyamooppanar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)



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ORDER

The Petitioners/A1 & A2, who were arrested and remanded to judicial custody on 28.04.2023 for the offences punishable under Sections 294(b), 323, 324, 379 and 307 of IPC in Crime No.97 of 2023 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that due to previous enmity, during a temple festival, petitioners along with other accused attacked the *de-facto* complainant. Hence, the complaint.

3. The learned Counsel appearing for the Petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent objects for grant of bail to the Petitioners by stating that the victims were hospitalized from 27.04.2023 to 03.05.2023. He would further submit that there are 14 previous cases pending against A1 and 1 previous



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case pending against A2. Hence, he vehemently opposed to grant bail to the Petitioners.

5. Heard the learned counsel for the Petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioners, this Court is inclined to grant bail to the Petitioners with certain conditions:

7. Accordingly, the Petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate at Neyveli - Cuddalore District, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar



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card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioners shall stay at Chennai and report before the Inspector of Police, B2 Esplanade Police Station, Chennai twice daily at 10.00 a.m. and 7.00 p.m., until further orders. They should not leave the local limits of the Inspector of Police, B2 Esplanade Police Station, Chennai without obtaining proper permission;

(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



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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 abscond, a fresh FIR can be registered under Section 229-A IPC.

25.05.2023

Mpl/Jeni

To

1. The District Munsif-cum-Judicial Magistrate
at Neyveli - Cuddalore District
2. The Station House Officer
Mandharakuppam Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

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