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Crl.OP.Nos.12011, 12012 & 12021 of 2023

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

**DATED : 25.05.2023**

**CORAM**

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

**Crl.OP.Nos.12011, 12012 & 12021 of 2023**

Praveen ... Petitioner in Crl.OP.No.12011/2023

Parthiban ... Petitioner in Crl.OP.No.12012/2023

Chinnakutty @ Tamilselvan ... Petitioner in Crl.O.P.No.12021/2023

**Vs.**

The State represented by  
Inspector of Police  
Koradacherry Police Station  
Tiruvarur District.  
Crime No.81 of 2023

... Respondent in all Crl.OPs

**COMMON PRAYER:** Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the Petitioners on bail in Crime No.81 of 2023 pending investigation on the file of the respondent police.

For Petitioner in all Crl. Ops : Mr.D.Lakshmipathy

For Respondent in all Crl.OPs. : Mr.L.Baskaran  
Government Advocate (Crl. Side)



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### **COMMON ORDER**

The Petitioners, who were arrested and remanded to judicial custody on 12.03.2023 for the offences punishable under Sections 341, 147, 148, 506(ii), 307, 302, 120(B), 427 and 212 of IPC in Crime No.81 of 2023 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that on 10.03.2023, the defacto complainant who is an Advocate, along with one Arvind went to Tiruvarur Court to meet the one Rajkumar and after attending Court hearing, at about 12.40 p.m., they started from the Court along with the said Rajkumar in a Swift Car bearing Regn.No.TN 02 AK 7670 to Needamangalam. At about 01.10. p.m., when they were coming in Tiruvarur to Mannargudi Main Road near Vijay Studio, Kamalapuram, one white colour Scorpio Car which came from the opposite direction, dashed against their Swift car. When the said Rajkumar got down from the Car and tried to run away, the accused persons chased him and assaulted with knife repeatedly due to which, he succumbed to injuries on the spot. Hence, the case.



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3. The learned Counsel appearing for the Petitioners would submit that the Petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the names of the petitioners in Crl.O.P.Nos.12011 and 12012 of 2023 are not found place in the FIR. The specific allegation against the the petitioner in Crl.O.P.No.12021 of 2023 is concerned, he drove the car of the accused at the time of alleged occurrence. Other than that, there is no other allegation against the petitioner. He further submitted that the petitioners are in judicial custody from 12.03.2023. Therefore, he prays for grant of bail to the Petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent police vehemently opposed to grant bail to the Petitioners stating that it is a case where the deceased has been murdered while he was returning from Court. He further submitted that totally 15 accused have been arrested in this case out of which, 6 accused have been detained under Goondas.



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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 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, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruvarur**, and on further conditions 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 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;



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**(b) the petitioners shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, daily at 10.00 a.m. and 07.00 p.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;



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

*Ksa-2/Ssi*

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To

1. The Judicial Magistrate, Tiruvarur.
2. The Inspector of Police  
Koradacherry Police Station  
Tiruvarur District.
3. The Inspector of Police,  
Flower Bazaar Police Station, Chennai
4. The District Prison, Pudukottai.
5. The Public Prosecutor,  
High Court of Madras.



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**SATHI KUMAR SUKUMARA KURUP,J.**

*Ksa-2/Ssi*

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