



Crl.O.P.No.14830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14830 of 2023

Santhosh

...Petitioner

Vs.

State Represented by;
The Inspector of Police,
Reddichavadi Police Station,
Cuddalore.
Crime No.142 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner/accused on bail in Crime No.142 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.K.Prakash

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2023 for the offences punishable under Section 'Man Missing', altered into Sections 147, 148, 201, 294(B), 302 and 341 of IPC in Crime No.142 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he is falsely implicated in this case. He further submitted that, Petitioner is in judicial custody from 06.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor submitted that, initially, FIR was registered in Crime No.142 of 2023 under caption 'Man Missing', later altered into Sections 147, 148, 201, 294(B), 302 and 341 IPC. In this case, there was a rivalry between two rowdy groups. The deceased belongs to one rowdy group and the accused belongs to opposite rowdy group. Suspecting that deceased was passing on the



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information with regard to the accused, accused assaulted the deceased on 06.05.2023 and caused his death. Therefore, he prays for dismissal of this bail petition.

4. Considering the fact that, the substantial part of the investigation is completed and the FIR was altered into Sections 147, 148, 201, 294(b), 302 and 341 IPC, this Court is inclined to grant bail to the petitioner and 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 the learned **Judicial Magistrate No.II, Cuddalore**, 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 report before the respondent police daily at 10.30.a.m., until further orders.



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[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.

24.07.2023

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To

1.The Judicial Magistrate No.II, Cuddalore.

2.The Central -Jail,
Cuddalore.

3.The Inspector of Police,
Reddichavadi Police Station,
Cuddalore.

4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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