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Crl.O.P.No.15593 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2023

CORAM:

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

Crl.O.P.No.15593 of 2023

1.S.Poobalan

2.R.Vinoth @ Vinothkumar

..Petitioners

/versus/

The State rep.by
The Inspector of Police,
Kandamangalam Police Station,
Villupuram District.
(Crime No.165 of 2023)

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioners on bail pending investigation in Crime No.165 of 2023 on the file of the respondent police.

For Petitioners
For Respondent

:Mr.G.Tamilselvan
:Mr.S.Vinoth Kumar
Government Advocate

ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.05.2023 for the offences punishable under Sections



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294(b), 324, 307 of IPC r/w 109 of IPC @ Sections 147, 148, 120B,
294(b), 324, 307 of IPC r/w 109 of IPC in Crime No.165 of 2023 on the
file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant/
Arivazhagan is that due to previous enmity between A1/petitioner herein
and the defacto complainant with regard to the murder case in the year
2009, there was a quarrel, during the quarrel, the accused have abused
the defacto complainant in a filthy language and assaulted him by using
sword, due to which, he sustained head injury. Hence the case.

3.Learned counsel appearing for the petitioners submitted that
this is the second application for bail filed by the petitioners and the
earlier application for bail in Crl.O.P.No.13412 of 2023 was dismissed
on 19.06.2023 in respect of the petitioners, since it was submitted by the
prosecution that they have got some previous cases. He also submitted
that the petitioners are in custody from 24.05.2023 and the major part of
the investigation has been completed. Hence, he prayed for grant of bail
to the petitioners.



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4.Learned Government Advocate appearing for the respondent Police submitted that due to previous enmity, the petitioners along with other accused have abused the defacto complainant in a filthy language and assaulted him by using sword. He further submitted that this Court taking into consideration the petitioners are habitual offenders against whom there are some previous cases, had dismissed the earlier application for bail. Hence, he opposed for grant of bail to the petitioners.

5.Heard the learned Counsel for the petitioners and the learned Government Advocate and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail on their 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



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of the **learned Judicial Magistrate No.II, Villupuram** 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 petitioners shall stay at Pudukottai and report before the Inspector of Police, Pudukottai Town Police Station, daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;



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[f] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

17.07.2023

vkr

To

- 1.The Judicial Magistrate No.II,
Villupuram.
- 2.The Inspector of Police,
Kandamangalam Police Station,
Villupuram District.
- 3.The Inspector of Police,
Pudukottai Town Police Station.
- 4.The District Prison,
Villupuram.
- 5.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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