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Crl.O.P.No.17403 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

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

Crl.O.P.No.17403 of 2023

Raju @ Raji

...Petitioner

Vs.

State Rep. by:
The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
(Crime No.126 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.126 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.06.2023 for the offences punishable under Sections



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294(b), 323, 324, 326(A) & 506(ii) of IPC in Crime No.126 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered for the offences under Sections 294(b), 323, 324, 326(A) & 506(ii) of IPC in Crime No.126 of 2023. Petitioner is in Judicial Custody from 01.06.2023. Thus, he seeks bail to the petitioner.

3. In response, Additional Public Prosecutor submitted that, there was a fight between close relative at about 03.00.p.m., on 01.06.2023, while playing the dice. While *de-facto* complainant intervened in the fight between the parties, accused Kumar had stabbed the *de-facto* complainant's brother with broken beer bottle. Due to which, he suffered injuries and admitted at Indira Nursing Home. After treatment, *de-facto* complainant's brother Selvam and *de-facto* complainant's sister's sons Mahendran and Vinoth Kumar were returning to their house. At that time, when Selvam asked Kumar why he did like that for a small incident, Kumar had hit the Selvam with beer bottle. Settu and Raji had also hit Selvam with hands repeatedly. Kumar had



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brought acid bottle from his house and thrown acid on *de-facto* complainant's brother and on Sister's sons Mahendran and Vinoth Kumar. Injured is discharged from the hospital.

4. Considering the fact that injured has been discharged and specific allegations against this petitioner is that petitioner had only used his hands for attacking the victim and that he is in judicial custody from 01.06.2023, and that substantial part of the investigation might have been completed, this Court is inclined to grant bail to the petitioner with conditions.

5. Accordingly, the petitioner is ordered to be released on bail on her 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 – IV, Vellore**, 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



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orders. No petition for relaxation of condition shall be entertained before completion of 30 days from the date of commencement of complying the conditions.

[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.

04.08.2023

mpl



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G.CHANDRASEKHARAN, J.
mpl

To

- 1.The Judicial Magistrate-IV,
Vellore.
- 2.The Central Prison, Vellore.
- 3.The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.

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