



CrI.OP.No.18120 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.18120 of 2023

Boobalan @ Kavın

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No.134 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in connection with Crime No.134 of 2023 pending on the file of the respondent Police.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2023 for the offence punishable under Section 294 (b), 323, 342 and 307 I.P.C, in Crime No.134 of 2023 on the file of the respondent



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police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as accused in Cr.No.134 of 2023 for the offences under Section 294 (b), 323, 342 and 307 I.P.C. He is in judicial custody from 04.05.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant is growing jallikattu bull. That bull failed in jallikattu held in Trichy. The first accused/Vishnu had posted sarcastic remarks in his whatsapp status. On 18.06.2023 at about 09.10 a.m., defacto-complaint and his friends were waiting near house of Rajasekar, first accused/Vishnu came there in a motor cycle. First accused/Vishnu told the defacto-complainant that nobody can question his post in whatsapp status. When defacto-complainant asked him why he was criticizing his mother the accused/Boopalan @ Kavin and Vishnu held his hands and the accused/Dinesh had cut defacto-complainant's neck using knife. As a result he suffered cut injury, measuring 15cm X 15cm X 5cm over the left side of the neck. He further submitted that the allegation



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against this petitioner is that he assisted the first accused in causing injury to the defacto-complainant. Injured was treated and discharged.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the allegation against the petitioner is that he assisted the first accused in causing injury in the neck of the defacto-complainant by holding his hand and that co-accused was granted bail for the reason that he was juvenile, the fact that petitioner is in judicial custody from 04.05.2023, that injured had been treated and discharged and that material part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 of the **learned Judicial Magistrate No.2, Attur**, 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 morning at 10.00.a.m., and evening at 5.00 p.m until further orders.

[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.

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To

- 1.The Judicial Magistrate No.2
Attur.
- 2.The Inspector of Police,
Thammampatty Police Station,
Salem District.
- 3.District Prison, Attur.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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