



CrI.OP.No.19178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

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

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S.Silabu @ Silambarasan

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.148 of 2023 pending before the Principal District and Sessions Court, Cuddalore.

For Petitioner : Mr.K.Panjamurthy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2023 for the offences punishable under Section 147, 148, 201, 294 (b), 302 and 341 I.P.C, in Crime No.142 of 2023 on the file of the



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respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that originally petitioner has been charged by the respondent Police under Man Missing, subsequently altered into Sections 147, 148, 201, 294 (b), 302 and 341 I.P.C in Crime No.142 of 2023. Petitioner is in judicial custody from 06.05.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that there are two rowdy groups in Cuddalore headed by one Ayyanar and one Joseph. Petitioner belongs to the group of Ayyanar. Ayyanar group members suspected that deceased was passing on information about the Ayyanar group to the group headed by Joseph. Therefore, they decided to eliminate the deceased. On the date of occurrence, on 02.05.2023, they had taken the deceased to casuarina grove of Ramu, near Kuduvaaiyaru River and had beaten him with casuarina stick and caused his death. Investigation in this case is completed and final report is filed and taken on file in S.C.No.148 of 2023 before the Principal District and Sessions Court, Cuddalore.



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4.Considered the rival submissions and perused the records.

5.Considering the nature of offence alleged to be committed by the petitioner, that investigation in this case is completed and final report is filed, and that petitioner is in judicial custody from 06.05.2023, 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.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 learned Additional District Judge, Cuddalore, on all working days at 10.00.a.m., until further orders and on the date



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of hearings without fail.

[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.II
Cuddalore.
- 2.The Additional District Judge,
Cuddalore.
- 3.The Principal District and Sessions Court,
Cuddalore
- 4.The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.
- 5.Central Prison, Cuddalore.
- 6.The Public Prosecutor,
High Court of Madras



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