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CrI.OP.No.20882 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20882 of 2023

Sivakumar

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Vellore North Police Station (L& O)
Vellore District.
(Crime No.390 of 2023)

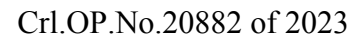
...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.390 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



The petitioner, who was arrested and remanded to judicial custody on 08.08.2023 for the offences punishable under Sections 294(b), 324, 506(ii) and 307 of IPC in Crime No.390 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered in Crime No.390 of 2023 for the offences punishable under Sections 294(b), 324, 506(ii) and 307 of IPC. Thus, he seeks bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, on 08.08.2023, there was Adi Keerthi Festival and procession at Vellore Vani Street. Defacto complainant and his friends participated in the event. At about 05.00.p.m., when the procession reached Pascal Nayudu Street, one Sivakumar and defacto complainant's friends danced in front of the procession. At that time, defacto complainant's friend by name Gnanavel accidentally dashed against the Siva Kumar. Gnanavel asked apology to Siva Kumar. However, at about 06.15.p.m., defacto



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complainant and his friends were talking near Mandi Street, Desa Narayanan Junction, Siva Kumar came there and asked as to why he had dashed him. Siva Kumar stabbed one Rajesh on the right side of his rib. When defacto complainant tried to prevent, he was also stabbed on his right hand. When Karthikeyan intervened, he was also attacked by the accused. Injured persons had been treated in the hospital and discharged.

4. Considering the submission of the learned counsel appearing for the parties and the allegations made in the FIR with regard to background leading to the alleged incident, that injured persons had been discharged from the hospital and the petitioner is in Judicial Custody from 08.08.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on their 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



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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 10.00.a.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].



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

20.09.2023

Sma

To

1. Judicial Magistrate, Vellore.
2. Inspector of Police,
Vellore North Police Station (L& O)
Vellore District.
3. Central Prison,
Vellore
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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