



Crl.OP.No.22254 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.22254 of 2023

Sathishkumar
...Petitioner/A2

Vs.

State rep. by
The Inspector of Police,
Kunnathur Police Station,
Thiruppur District.
(Crime No.108 of 2023)
..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in PRC No. 16 of 2023 on the file of Judicial Magistrate, Uthukuli in Crime No. 108 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.07.2023 for the offences punishable under Section 302 of IPC in PRC No.16 of 2023 on the file of the Judicial Magistrate, Uthukuli in Crime No.108 of 2023 on the file of the respondent police, seeks bail.

2.The petitioner is the 2nd accused. The 1st accused was the son of the deceased. The case of the prosecution is that the 1st accused had transferred the name of the vehicle to his name, consequent to which there was a quarrel between the 1st accused and his own father / deceased. The case against the petitioner herein is that, on instigation of the 1st accused, the petitioner had assaulted the deceased. But however, it is also seen that A1 had been granted bail by this Court in Crl.O.P.No.20311 of 2023 dated 19.09.2023.

3.Taking into consideration the facts and circumstances of the case and also the fact that A1 had already been granted bail, this Court is



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inclined to grant bail to the petitioner herein.

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4. 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 District Munsif cum Judicial Magistrate, Uthukuli 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 Judicial Magistrate, Uthukuli, daily at 10.30 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.



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[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.

03.10.2023

Smv/nsI

To

1. District Munsif cum Judicial Magistrate,
Uthukuli.
2. Central Prison,
Coimbatore
3. The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

Smv

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