



CrI.OP.No.23061 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

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

CrI.OP.No.23061 of 2023

Ramprabhu

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.305 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in FIR in Crime No.305 of 2023
on the file of the respondent police.

For Petitioner : Mr.S.Senthilmurugan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2023 for the offence punishable under Sections 294(b), 307 and 109 IPC in Crime No.305 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant along with his friends were returning from temple to their home at that time the petitioner along with other accused came in a TATA HARRIER Car bearing registration No.TN 34 MA 8887 and pretended to dash on the defacto complainant and while asked about that, there was a wordy quarrel between the accused and the defacto-complainant and the same was comprised by the public. The defacto complainant was sitting on the bridge on Periyar Nagar on the Aavuthipalayam to Samayasangili road along with his friends, the petitioner along with other persons abused the defacto-complainant using filthy language and assaulted the defacto-complainant with deadly weapons on his right neck and on his left fore arm. Hence, the case.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. It is further stated that, other accused had been granted bail. He further submitted that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) stated that, the co-accused had granted bail and that the injured/defacto-complainant had been discharged from hospital. However, he vehemently opposed the grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kumarapalayam, 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 everyday 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.

[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.

06.10.2023

gvn/gd

To

1. The Judicial Magistrate, Kumarapalayam.

2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

2. Central Prison,
Salem.

3. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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