



Crl.OP.No.23133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

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

Crl.OP.No.23133 of 2023

Kaviyan

...Petitioner

Vs.

State by
The Inspector of Police,
Korukkupettai Railway Police Station,
Chennai.
(Crime No.173 of 2023)

...Respondent

PRAYER:

Criminal Original Petitions are filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner/Accused on bail concerned in Crime
No.173 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.V.Rajamohan

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 09.09.2023 for the offences punishable under Sections 294(b), 341 & 307 of IPC, in Crime No.173 of 2023 on the file of the respondent police, seeks bail.

2. It is stated that the injured was a Student of the Presidency College and the petitioner belong to Pachaiyappa's College. There had been frequent fights between the two groups. It is stated that the injured while travelling in the train the petitioner along with other accused had attacked him and caused injuries.

3. It is stated that the 2nd accused was absconded and subsequently, he had been arrested and remanded to judicial custody. It is also stated that the injured had been discharged from the hospital.

4. In view of all these facts particularly the injured had been discharged from the hospital, I am inclined to grant bail to the petitioner with certain conditions:



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5. 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 Thousand only) with two sureties (one surety must be either father or mother of the accused), each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Gummidipoondi, 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 daily at 10.30 a.m., until further orders.

[c] the fact that the petitioner is an accused in Crime No.173 of 2023, which had been registered for the offences punishable under Sections 294(b), 341 & 307 of IPC, should be recorded in the College register of the petitioner.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or



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witness either during investigation or trial.

[f] 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].

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

19.10.2023

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To

- 1.The District Munsif cum Judicial Magistrate, Gummidipoondi.
- 2.Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
Korukkupettai Railway Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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