



WEB COPY



CrI.OP.No.23734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

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

CrI.OP.No.23734 of 2023

1.Rajini
2.Mottaiyan @ Kumar
3.Srikanth

...Petitioners/Accused 1, 2 &4

Vs.

State represented by
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
(Crime No.357 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners on bail in Crime No.357 of 2023 on the file of the Respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.08.2023 and 01.09.2023 respectively, for the offence



CrI.OP.No.23734 of 2023

punishable under Sections 147, 148, 294(b), 323, 324 & 307 of IPC, in Crime No.357 of 2023 on the file of the respondent police, seek bail.

2.It is stated that the petitioners had quarrelled with the defacto complainant owing to an internal family dispute.

3.It is also stated that the petitioner had also given a complaint against the defacto complainant, which had been registered as Crime No.356 of 2023.

4.Taking into consideration all these facts and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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, Komarapalayam, 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.



WEB COPY



CrI.OP.No.23734 of 2023

[b] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

13.10.2023

vkrr

To

1.The Judicial Magistrate, Komarapalayam.

2.Central Prison, Salem.



WEB COPY



Crl.OP.No.23734 of 2023

C.V.KARTHIKEYAN. J.

vkf

3.The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.23734 of 2023

13.10.2023