



WEB COPY



CrI.OP.No.23994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

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

CrI.OP.No.23994 of 2023

Parthiban

...Petitioner

Vs.

The State represented by
Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.
Crime No.245 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.245 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.S.Monish Darvin

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2023 for the offence punishable under Section 174 Cr.P.C., @



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Section 304(ii) of IPC, in Crime No.245 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that on 11.09.2023 in the middle of the night, there was a car festival at Thulukanathamma Temple, the deceased, the petitioner and the other accused were dancing in the festival and at that time, the petitioner punched the deceased on the chest and subsequently, he died.

3.It is stated by the respondent that there is no previous case against the petitioner.

4.Taking into consideration the period of incarceration from 11.09.2023 and also of the fact that it was a sudden provocation, this Court is inclined to grant bail to the petitioner with certain conditions.

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, each for a like sum to the satisfaction of the learned Metropolitan Magistrate XXIII, Saidapet and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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].

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

17.10.2023

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To

1.The Metropolitan Magistrate No.XXIII, Saidapet.

2.The Central Prison, Puzhal.



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3.The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

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