



WEB COPY



Crl.O.P.No. 24386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

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

Crl.O.P.No.24386 of 2023

1.Ganesan

2.Vijay

... Petitioners

Vs.

The State rep. by:-

The Inspector of Police,

Cheyyar Police Station,

Tiruvannamalai District.

(Crime No. 407 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioners / Accused on bail pending investigation in

Crime No.407 of 2023 on the file of the respondent.

For Petitioners : Mr.S.Sarath Chandran

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

ORDER



Crl.O.P.No. 24386 of 2023

WEB COPY

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 22.09.2023 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 of IPC @ Sections 147, 148, 294(b), 323, 324, 302 of IPC in Crime No.407 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that during the temple festival, there was a wordy quarrel between the first petitioner and the defacto complainant's father, as a result, the petitioners along with other accused attacked the defacto complainant's father with wooden log and thereafter, he succumbed to injuries.

3.It is stated that A3 to A7 have been granted bail by this Court in Crl.O.P.No.20491 of 2023 on 03.10.2023.

4.However, taking into consideration the period of incarceration and also of the fact that the other accused have been granted bail, 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, Cheyyar and on further conditions that:



Crl.O.P.No. 24386 of 2023

[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 petitioners shall report before the respondent police on everyday twice at 10.30 a.m and 5.30 p.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.

20.10.2023

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C.V.KARTHIKEYAN, J.



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To

1. The Judicial Magistrate, Cheyyar
2. The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



Crl.O.P.No. 24386 of 2023

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Crl.O.P.No.24386 of 2023

20.10.2023