



Cr.O.P.No.24791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

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

Cr.O.P.No.24791 of 2023

1.Durairaj S/o. Sakthivel
2.Chandru S/o. Ramasamy

... Petitioners/Accused 1 & 3

Vs.

State by
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.

(Crime No.262 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners on bail concerned in Crime No.262 of
2023 on the file of the respondent police with terms and conditions.

For Petitioners : Mr.W.Camyles Gandhi

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



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ORDER

The petitioners seek bail in Crime No.262 of 2023, registered by the respondent for the offences punishable under Sections 279, 294(b), 323, 506(i) of IPC and subsequently altered to Sections 294(b), 323, 354, 506(i) & 302 of IPC. They had been taken into custody on 06.10.2023.

2.It is the case of the prosecution that on 03.10.2023, the defacto complainant, who had lodged a complaint when he was alive, was driving a TVS-50 two-wheeler bearing Regn.No.TN-28-J-3717, and the accused who had travelling in a Scooty dashed against the said vehicle of the defacto complainant and there was a wordy quarrel, which escalated into violence.

3.It is stated that the accused had kicked the defacto complainant and he was admitted in the hospital and later he died after three days.



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4.The learned counsel for the petitioners stated that it was a sudden provocation and the petitioners had no earlier intention of assaulting the defacto complainant. There was also no prior antecedents as against the petitioners herein.

5.Taking into consideration the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate – II, Namakkal, 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 petitioners shall report before the respondent police everyday Morning at 10.30 a.m, Afternoon at 2.00 p.m., and Evening at 5.30 p.m., until further orders.



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[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.

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To

1. The Judicial Magistrate – II, Namakkal.
2. The Central Prison, Salem.
3. The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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