



Crl.OP.Nos.25181 & 25212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

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

Crl.O.P.Nos.25181 & 25212 of 2023

1.Sanjaymahakud

2.Tapusskumar Pattnayak

... Petitioners/Accused 2 & 3
in Crl.O.P.No.25181 of 2023

S.Naveen Kumar

... Petitioner/Accused 1 in
Crl.O.P.No.25212 of 2023

Vs.

State by

The Inspector of Police,
Namakkal Police Station,
Namakkal.

(Crime No.483 of 2023)

...Respondent in both petitions

Common prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners on bail concerned in Crime No.483 of 2023 pending on the file of the respondent police.

(In both petitions)

For Petitioners : Mr.L.P.Shanmugasundaram

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



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COMMON ORDER

The 1st accused in Crime No.483 of 2023, registered by the respondent police for the offences punishable under Sections 273, 328 & 304(ii) of IPC, has filed Crl.O.P.No.25212 of 2023 and 2nd and 3rd accused in the same crime number have filed Crl.O.P.No.25181 of 2023. They had been taken into custody on 18.09.2023.

2. Since the issue and the facts are the same and the matter relates to the same FIR, a common order is passed.

3. It is the case of the prosecution that the 1st accused is the owner of a Fast Food Hotel, where the 2nd and 3rd accused were working as chefs, who prepared the food.

4. It is stated that the unfortunate deceased had taken shawarma chicken in the said hotel and thereafter, the entire family had fallen sick and one of the them is also died.



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5. On the side of the respondent, it is stated that investigation has progressed to a substantial extent and that final report would be filed.

6. Taking into consideration the fact that investigation is practically completed and also the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners in both the petitions subject to the following conditions:

7. Accordingly, the petitioners in both the petitions 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 learned I Judicial Magistrate, 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 daily at 10.30 a.m until further orders.

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



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[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.I Judicial Magistrate, Namakkal.
- 2.Namakkal Jail, Namakkal District.
- 3.The Inspector of Police,
Namakkal Police Station,
Namakkal.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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