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Crl.O.P.Nos. 25597 & 25595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

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

Crl.O.P.Nos.25597 & 25595 of 2023

Sunil ... Petitioner in Crl.O.P.No.25597 of 2023

Rajkumar ... Petitioner in Crl.O.P.No.25595 of 2023

Vs.

The State rep by
The Inspector of Police,
Tookkanampakkam Police Station,
Cuddalore District.
Crime No.101 of 2023

... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439
of Cr.P.C., pleaded to enlarge the petitioners / Accused on bail in Crime
No.101 2023 pending on the file of the respondent Police.

For Petitioner : Mr.K.Raveendran
in Crl.O.P.No.25597 of 2023

For Petitioner : Mr.R.Parthiban
in Crl.O.P.No.25595 of 2023

For Respondent : Mr.R.Kishore Kumar
in both Crl.O.Ps Government Advocate (Crl.Side)



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COMMON ORDER

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 27.08.2023 for the offences under Sections 448, 294(b), 307, 506(ii) of IPC r/w Section 4 of TNPWH Act and Section 3 of Explosive Substances Act, 1908, in Crime No.101 of 2023, seek bail.

2.It is stated that A1 had solicited relationship with the daughter of the defacto complainant and she had not responded. It is stated that A1, A2 and also A3, who is a juvenile had gone over to the house of the defacto complainant and picked up a quarrel over that dispute. Thereafter, it is stated that the accused persons went over to the house of the defacto complainant and throw a petrol bomb outside the house which did not cause any injuries to anybody and no damage was also caused.

3.Taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

4.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, Additional Mahila Court, Cuddalore District, and on further conditions that:



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[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 petitioner in Crl.O.P.No.25597 of 2023 shall stay at Vellore and report before the Viruthampet Police Station, daily at 10.30 a.m., until further orders; the petitioner in Crl.O.P.No.25595 of 2023 shall stay at Krishnagiri and report before the B1 Krishnagiri Town Police Station, 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.

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C.V.KARTHIKEYAN, J.

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To

1. The Judicial Magistrate,
Additional Mahila Court, Cuddalore.
2. The Inspector of Police,
Tookkanampakkam Police Station,
Cuddalore District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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