



CrI.O.P.No.26655 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

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

**CrI.O.P.No.26655 of 2023**

Dhanush S/o. Mani

...Petitioner/Accused-2

Vs.

State represented by the  
The Inspector of Police,  
Mohanur Police Station,  
Namakkal District.

(Crime No.200 of 2023)

...Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No. 200 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr. C.S.Saravanan

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



CrI.O.P.No.26655 of 2023

WEB COPY

## ORDER

The petitioner/A2 seeks bail in Crime No.200 of 2023, registered by the respondent police for the offences punishable under Sections 279, 304(A) (Hit & Run) & 120(B) @ 302 of IPC. The petitioner had been remanded to custody on 28.08.2023, with respect to an incident which took place on 23.08.2023.

2.It is the case of the prosecution that while the defacto complainant and her husband were going to the hospital in a two-wheeler and an identified four-wheeler dashed against them and her husband died.

3.It is stated that the defacto complainant had been subsequently arrayed as A3. She had illegal intimacy with A1 and it was actually a case of murder.

4.There is one change in circumstance from the previous date of dismissal of the bail application is that investigation has been completed



CrI.O.P.No.26655 of 2023

and final report has been filed and the same has been taken cognizance as P.R.C.No.25 of 2023 by the learned Judicial Magistrate II, Namakkal.

5.In view of that particular fact, I am inclined to grant bail to the petitioner herein subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.II, Namakkal, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the Judicial Magistrate II, Namakkal, everyday at 10.30 a.m., till the date of committal and after the matter is committed, appear before the concerned Sessions Court on every Monday at 10.30 a.m., till completion of trial, quite apart from the Court hearing dates.

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



CrI.O.P.No.26655 of 2023

WEB COPY

[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.

24.11.2023

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CrI.O.P.No.26655 of 2023

To

1. The learned Judicial Magistrate No.II, Namakkal.
2. The Central Prison, Salem.
3. The Inspector of Police,  
Mohanur Police Station,  
Namakkal District.
4. The Public Prosecutor,  
High Court of Madras.



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CrI.O.P.No.26655 of 2023

**C.V.KARTHIKEYAN. J.**  
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CrI.O.P.No.26655 of 2023

24.11.2023