



Crl.O.P.No.26594 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

Crl.O.P.No.26594 of 2023

Sankar
S/o.Subramani

...Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thellar Police Station,
Tiruvannamalai District.

(Crime No.175 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.175 of 2023 pending investigation on the file of the Respondent on such terms and conditions.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER



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The petitioner seeks bail in Crime No.175 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 324, 302 and 506(ii) of IPC. He had been arrested and remanded into judicial custody on 06.09.2023.

2.This is the 3rd bail application filed by the petitioner seeking bail. In the earlier application, A2 had been granted bail.

3.It is the case of the prosecution that owing to a land dispute, when the deceased was working in the field, both A1 and A2 who are husband and wife had attacked her. The specific overt act as against A2 was that she had pulled the hair of the deceased and as against A1/the petitioner, he had stabbed the deceased.

4.The learned counsel for the petitioner pointed out that the petitioner has been in custody for about 82 days.

5.It is stated that investigation had been practically completed and



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that charge sheet would be filed shortly before the concerned Judicial Magistrate. That is a change in circumstance.

6.Taking into consideration all these factors, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 the Judicial Magistrate, Vandavasi 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 respondent police everyday at 10.30 a.m., until further orders.

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

[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



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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.

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To

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



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C.V.KARTHIKEYAN. J.

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