



Crl.O.P.Nos.26030 & 25531 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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

**Crl.O.P.Nos.26030 & 25531 of 2023**

1.Baktha @ Padmanaban  
2.Nakkeeran @ Premkumar  
3.Boominathan  
4.Sutharmann ...Petitioners in Crl.O.P.No.26030 of 2023

1.Sivaguru  
2.Vishunu  
3.Lakshmi Kanthan @ Sunil ...Petitioners in Crl.O.P.No.25531 of 2023

Vs.

State represented by the  
The Inspector of Police,  
S.H.O. Thiruppapuliur Police Station,  
Cuddalore District.  
(Crime No.386 of 2023) ...Respondent in both Crll.O.Ps.

**COMMON PRAYER:** Criminal Original Petitions are filed under  
Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime  
No.386 of 2023 on the file of the respondent Police.



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In both Crl.O.Ps.

For Petitioners : Mr.S.Kasirajan

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

### **COMMON ORDER**

The petitioners who were arrested and remanded to judicial custody on 04.09.2023 registered for the offences under Sections 147, 148, 294(b), 324, 506(ii), 307 and 302 of IPC and Section 4 of TNPHW Act, in Crime No.386 of 2023, seek bail.

2.The petitioners in Crl.O.P.No.26030 of 2023 are arrayed as A3, A4, A5 and A8 and the petitioners in Crl.O.P.No.25531 of 223 are arrayed as A1, A2 and A9.

3.It is stated that the occurrence had taken place on 03.09.2023. It must also be stated that there is a counter complaint given by the petitioners against the defacto complainant in which, the group of the defacto complainant had obtained anticipatory bail.

4.The case of the prosecution is that a baby shower ceremony had been conducted and everybody who participated in the function had started to dance and that time, there was a quarrel among the family



members. At that time itself, a brother of the defacto complainant called Ajay was severely assaulted by A2, A4 and A5 and he had been taken to a hospital in an ambulance and thereafter, the other members of the defacto complainant's group came over to the residence of the accused questioning as to why the said Ajay was assaulted. Further quarrel escalated leading to an attack with knife and other weapons leading to the death of one person and injury to another and also all the offences are attracted under which the First Information Report had been registered.

5.The learned counsel for the petitioner stated that all the petitioners and the defacto complainant are the members of the same family and that it was a quarrel during the baby shower function and there was no prior motive. It is also stated that there is no previous case against any of the accused.

6.On the side of the respondent, it had been stated that the investigation has been completed and the final report had been filed and taken cognizance as P.R.C.No.47 of 2023 by the learned Chief Judicial Magistrate, Cuddalore and the next hearing date is 04.12.2023.

7.At any rate, it is seen that A2, A4 and A5 have committed



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offences at two separate places which could be considered as one particular transaction and therefore, one FIR had been registered but there is overt act against them not only in the earlier incident but also in the later incident where the offence under Section 302 of IPC was committed.

8.It is stated by the learned Government Advocate that there are direct overt act mentioned against each one of the accused. That is an aspect which the prosecution should establish during the course of trial.

9.Taking all the factors into consideration, this Court is not inclined to grant bail to the petitioners 2 and 3/A5 and A4 in Crl.O.P.No.26030 of 2023 and the 2<sup>nd</sup> petitioner/A2 in Crl.O.P.No.25531 of 2023. With respect to the other petitioners, this Court is inclined to grant bail to them with certain conditions.

10. Accordingly, the petitioners 1 and 4 in Crl.O.P.No.26030 of 2023 and the petitioners 1 and 3 in Crl.O.P.No.25531 of 2023 are ordered to be released on bail on their executing 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,



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Additional Mahila Court, Cuddalore, 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 petitioners 1 and 4 in Crl.O.P.No.26030 of 2023 and the petitioners 1 and 3 in Crl.O.P.No.25531 of 2023 shall report before the learned Chief Judicial Magistrate, Cuddalore, where P.R.C.No.47 of 2023 is pending, on everyday, till the date of committal and thereafter, report before the Sessions Court, till framing of charges and thereafter, as directed by the Court;

[c] the petitioners 1 and 4 in Crl.O.P.No.26030 of 2023 and the petitioners 1 and 3 in Crl.O.P.No.25531 of 2023 shall not abscond either during investigation or trial.

[d] the petitioners 1 and 4 in Crl.O.P.No.26030 of 2023 and the petitioners 1 and 3 in Crl.O.P.No.25531 of 2023 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 1 and 4 in Crl.O.P.No.26030 of 2023 and the petitioners 1 and 3 in



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Crl.O.P.No.25531 of 2023 in accordance with law as if the conditions have been imposed and the petitioners 1 and 4 in Crl.O.P.No.26030 of 2023 and the petitioners 1 and 3 in Crl.O.P.No.25531 of 2023 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.

21.11.2023

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To

1. The Judicial Magistrate, Additional Mahila Court, Cuddalore
2. The District Prison, Cuddalore.
3. The Chief Judicial Magistrate, Cuddalore.
4. The Inspector of Police,  
S.H.O. Thiruppapuliur Police Station,  
Cuddalore District.
5. The Public Prosecutor,  
High Court of Madras.

**C.V.KARTHIKEYAN. J.**



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