



Crl.O.P.No.26137 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

Crl.O.P.No.26137 of 2023

Chinnasamy

...Petitioner

Vs.

State represented by the
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.494 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.494 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner seeks bail in Crime No.494 of 2023, registered by the respondent police for the offences punishable under Sections 294(b),



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323, 324 and 506(ii) of IPC and subsequently, altered to Sections 294(b), 323, 324, 307 and 506(ii) of IPC and again altered to Sections 294(b), 323, 324, 302 and 506(ii) of IPC. He had been remanded to judicial custody on 29.09.2023 with respect to an incident which took place on 25.09.2023.

2. There are two accused and they are both brothers. It is stated that the accused had an ongoing dispute with respect to pathway with the family of the defacto complainant. On 25.09.2023, at about 8.30 hours, both the accused had originally abused the father of the defacto complainant and later, assaulted him and after being hospitalised for about three or four days, he died.

3. It is stated by the learned Government Advocate that there is no previous case pending against him.

4. Taking into consideration the fact that it is a result of an existing dispute which had escalated into extreme violence and the fact that the deceased was in hospital for three days which could also be interpreted that there was no intention to cause death, this Court is inclined to grant bail to the petitioner with certain conditions.



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5. 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 No.I, Krishnagiri, 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, daily 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 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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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate No.I, Krishnagiri.
2. The Sub Jail, Krishnagiri.
3. The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.

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