



Crl.O.P.No.26284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

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

Crl.O.P.No.26284 of 2023

Sivasakthi S/o. Raja

... Petitioner/ Accused

Vs.

The State rep by
The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.

(Crime No.315 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail in Crime No.315 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Selvam

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



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ORDER

The petitioner is A1 in Crime No.315 of 2023, registered by the respondent police for the offences punishable under Sections 147, 294(b), 323 & 307 of IPC. The petitioner had been remanded to judicial custody on 03.11.2023.

2.The case of the prosecution is that the defacto complainant had earlier married one Tamilarasi and there were marital disputes between two of them. Later the present petitioner had begun a relationship with the said Tamilarasi. There was also a case relating to dowry harassment as against the defacto complainant and in relation to that, the defacto complainant had gone over to the house of the petitioner, seeking withdrawal of the complaint. At that time, an altercation arose, leading to violence and causing injuries, which were termed under Section 307 of IPC.

3.It is stated that A2 to A6 had been granted bail.



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

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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-II, Dharmapuri, and on further conditions that:

[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 shall report 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 Magistrate/Trial Court is entitled to take appropriate action against the



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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.

20.11.2023

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To

- 1.The Judicial Magistrate-II, Dharmapuri.
- 2.The District Prison, Dharmapuri.
- 3.The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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