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Crl.OP.No.26560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

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

Crl.OP.No.26560 of 2023

1.Danial Raj,
S/o.Jeyaseelan
2.Manikadan,
S/o.Kanthasamy

...Petitioners

Vs.

State rep. by the
Inspector of Police,
Kothagiri Police Station,
Nilgiris District.

(Crime No.03 of 2013)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in S.C.No.46 of 2013 pending on the file of learned Subordinate Judge, Coonoor, on such terms and conditions.

For Petitioners : Mr.A.Samson

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



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ORDER

The petitioners are accused 1 and 2 in S.C.No.46 of 2023, now pending before the Subordinate Judge, Coonoor, seek bail. Originally, Crime No.03 of 2013 had been registered for the offences punishable under Sections 129(b), 397 & 34 r/w 397 IPC. The petitioners had been arrested and remanded into custody on 02.09.2023.

2.It is stated that the trial in S.C.No.46 of 2023 cannot commence owing to the fact that A7 was also absconding. It is also stated that the case was split up against A7. A5 is also in custody.

3.The learned counsel for the petitioner stated that charges had been framed and that the petitioner could cooperate during the course of trial.

4.It is also stated on behalf of the respondent that there are two previous cases pending against the petitioner herein but, however, taking into consideration all these facts and that the petitioners had been secured



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within one month from the date on which Non-bailable warrant issued, even though the earlier application had been dismissed on 07.11.2023, I am inclined to grant bail to the petitioners subject to the following conditions:

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the Subordinate Judge, Coonoor 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 shall report before the Subordinate Judge, Coonoor, on every Monday, Wednesday and Friday at 10.30 a.m., till completion of trial, quite apart from the Court hearing dates.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

23.11.2023

rjr/ata



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To

1.The Subordinate Judge, Coonoor.

2.Sub Jail, Kothagari.

3.Inspector of Police,
Kothagiri Police Station,
Nilgiris District.

4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

rjr



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