



Crl.O.P.No.26969 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

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

Crl.O.P.No.26969 of 2023

Dineshkumar S/o. Ayyapan

...Petitioner/Accused -6

Vs.

State by
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur.

(Crime No.393 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.393 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.J.Franklin

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



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ORDER

The petitioner is A6 in Crime No.393 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 448, 342, 307 & 109 of IPC.

2.It is stated that on 22.10.2023, there was an intimation about an injured patient at Tiruppur Government Hospital.

3.It had been stated that the defacto complainant and all the accused were earlier partners in prostitution business and later, they had quarrelled and separated and there was a demand of money by the defacto complainant. This led all the accused to initially ransack his house and later in the evening, assault him.

4.It is seen that A1 and A3 are still absconding.

5.The earlier application of the petitioner seeking bail in CrI.O.P.No.25761 of 2023 was dismissed by this Court on 10.11.2023.



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6.The one change in circumstance is that A3 was absconding and now was secured and investigation has also proceeded to a substantial extent.

7.Taking into consideration the period of incarceration and all other circumstances and there is change of circumstance, I am inclined to grant bail to the petitioner subject to the following conditions:

8.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, Palladam 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.



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[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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To

1. The Judicial Magistrate, Palladam.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
K-1, Sembiam Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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