



Crl.O.P.No.26749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

Crl.O.P.No.26749 of 2023

S.Prakash,
S/o.Selvaraj

...Petitioner/Accused-2

Vs.

State rep. by
The Inspector of Police,
Avinashi Police Station,
Tiruppur.

(Crime No.637 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.637 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.Deepan Uday

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



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ORDER

The petitioner seeks bail in Crime No.637 of 2023, registered by the respondent police for the offences punishable under Section 304(2) of IPC. He had been arrested and remanded into judicial custody on 26.10.2023.

2.It is stated that on 26.10.2023, after the marriage function had been completed in the marriage hall, there was a quarrel and the accused persons had picked up quarrel and thereafter, the deceased once again picked up quarrel, which escalated into violence, leading to the commission of the offence.

3.Taking into consideration all these factors and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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, Avinashi and on further conditions that :-



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[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.

[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.

27.11.2023

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C.V.KARTHIKEYAN. J.



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To

1. The Judicial Magistrate, Avinashi.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Avinashi Police Station,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

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