



Crl.O.P.No.27162 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

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

**Crl.O.P.No.27162 of 2023**

Guna S/o. Karuppannan

...Petitioner/Accused-2

Vs.

The State rep. by  
The Inspector of Police,  
Puthuchatram Police Station,  
Namakkal District.

(Crime No.262 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.262 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.G.Punniakoti

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



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## ORDER

The petitioner/A2 seeks bail in Crime No.262 of 2023, registered by the respondent police for the offences punishable under Sections 279, 294(b), 323, 506(i) of IPC and subsequently altered to Sections 279, 294(b), 323, 506(i), 354, 302 IPC.

2.It is the case of the prosecution that on 03.10.2023, the defacto complainant, who had lodged a complaint when he was alive, was driving a TVS-50 two-wheeler bearing Regn.No.TN-28-J-3717, and the accused who had travelling in a Scooty dashed against the said vehicle of the defacto complainant and there was a wordy quarrel, which escalated into violence.

3.It is stated that the accused had kicked the defacto complainant and he was admitted in the hospital and later he died after three days.

4.The learned counsel for the petitioner stated that it was a sudden provocation and the petitioner had no earlier intention of assaulting the defacto complainant. There was also no prior antecedents as against the



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petitioner herein.

5.It is also seen that this Court had granted bail to A1 and A3 in CrI.O.P.No.24791 of 2023 by an order dated 16.11.2023.

6.Taking into consideration the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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.2, Namakkal, 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 morning at 10.30 a.m., afternoon at 2.30 p.m., and evening at 5.30 p.m., until further orders.**

[c] the petitioner shall not abscond either during investigation or



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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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To

1. The Judicial Magistrate No.2, Namakkal.
2. The Central Prison, Salem.
- 3.The Inspector of Police,  
Puthuchatram Police Station,  
Namakkal District.
- 4.The Public Prosecutor,  
High Court of Madras.

**C.V.KARTHIKEYAN. J.**



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