



CrI.O.P.No.27728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.12.2023

CORAM

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

CrI.O.P.No.27728 of 2023

Arunraj

....Petitioner

Vs.

State rep.by
The Station House Officer,
Thiruppapuliyur Police Station,
Cuddalore.
(Crime No.386 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying to enlarge the petitioner/Accused-11 on bail, in Crime No.386 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Chandrakumar

For Respondent : Mr.R.Kishore Kumar

Government Advocate (CrI.Side)

ORDER

The petitioner seeks bail in Crime No.386 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 307, 506(2) and 302 of I.P.C



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r/w Section 4 of TNTWH Act, 2022.

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2. It is stated that the occurrence had taken place on 03.09.2023. It must also be stated that there is a counter complaint given by the petitioner against the de-facto complainant in which, the group of the de-facto complainant had obtained anticipatory bail.

3. The case of the prosecution is that a baby shower ceremony had been conducted and everybody who participated in the function had started to dance and that time, there was a quarrel among the family members. At that time itself, a brother of the de-facto complainant called Ajay was severally assaulted by A2, A4 and A5 and he had been taken to a hospital in an ambulance and thereafter, the other members of the de-facto complainant's group came over to the residence of the accused questioning as to why the said Ajay was assaulted. Further quarrel escalated leading to an attack with knife and other weapons leading to the death of one person and injury to another and also all the offences are attracted under which the First Information Report had been registered.

4. The learned counsel for the petitioner stated that the



petitioner and the de-facto complainant are the members of the same family and that it was a quarrel during the baby shower function and there was no prior motive. It is also stated that there is no previous case against of the accused.

5. On the side of the respondent, it had been stated that the investigation has been completed and the final report had been filed and taken cognizance as P.R.C.No.47 of 2023 by the learned Chief Judicial Magistrate, Cuddalore.

6. Taking all the factors into consideration, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Cuddalore, 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 learned Chief Judicial Magistrate, Cuddalore, where



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P.R.C.No.47 of 2023 is pending, on everyday, till the date of committal and thereafter, report before the Sessions Court, till framing of charges and thereafter, as directed by the Court;

[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 has been imposed and 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 I.P.C.

11.12.2023

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To

1. The Judicial Magistrate, Additional Mahila Court, Cuddalore.
2. The Central Prison, Cuddalore.
3. The Chief Judicial Magistrate, Cuddalore.
4. The S.H.O Thiruppapuliur Police Station, Cuddalore District.
5. The Public Prosecutor, High Court, Madras.

C.V.KARTHIKEYAN,J.,

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