



Crl.O.P.No.28521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

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1.Prakash S/o. Lakshmanan
2.Sureshkumar S/o. Perumal
3.Ethiraj S/o. Mari
4.Pandiyan S/o. Thangam
5.Silambarasan S/o. Poongavanam

... Petitioners/Accused 1-5

Vs.

The State represented by
The Inspector of Police,
Baluchettichathram Police Station,
Kanchipuram District.

(Crime No.882 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.882 of 2023 on the file
of the respondent.

For petitioners : Mr.E.Anbarasan

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



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ORDER

The petitioners/A1 to A5 seek bail in Crime No.882 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 307, 427 & 506(ii) of IPC. They had been taken into custody on 30.10.2023.

2.The defacto complainant is an Advocate. The 1st petitioner/1st accused had relationship with another lady, who was a friend of the sister of the defacto complainant. As an Advocate, the defacto complainant appears to have called over the 1st petitioner/1st accused and the other lady and tried to compromise the issue. Thereafter, on the way back, the 1st petitioner/1st accused and all the accused had waylaid the defacto complainant and committed assault, which attracted the provision under Section 307 IPC. The defacto complainant had been hospitalized for nearly three days between 29.10.2023 and 02.11.2023.

3.The earlier application seeking bail in Crl.O.P.No.27131 of 2023 was dismissed on 30.11.2023. The change in circumstance from that



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particular date is that there is progress in investigation and all the accused had been identified.

4.Taking into consideration the period of incarceration and all other factors, 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 condition to execute 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 Judicial Magistrate Court No.I, Kanchipuram, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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.



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[e] On breach of any of the aforesaid conditions, the learned 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.

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To

1.The Judicial Magistrate Court No.I, Kanchipuram.

2.The Inspector of Police,
Baluchettichathram Police Station,
Kanchipuram District.

3.The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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