



Crl.O.P.No.28279 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

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

Crl.O.P.No.28279 of 2023

1.Arunkumar S/o. Poosamani
2.Kaviyarasan S/o. Sasikumar
3.Surendiraprasath S/o. Elaiyaraja

... Petitioners/Accused 2, 3 & 5

Vs.

The State represented by
The Inspector of Police,
Veeranam Police Station,
Salem District.

(Crime No.1244 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.1244 of 2023 on the file
of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

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



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ORDER

The petitioners/A2, A3 & A5 seeks bail in Crime No.1244 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 & 307 of IPC. The petitioner had been remanded to custody on 14.11.2023.

2.It is stated that the defacto complainant and his friend Sundaram were going by bike when A1 and A2 were also similarly travelling and there was an altercation between them. This happened on 13.11.2023. On the next day, on 14.11.2023 at around 11.00 a.m., all the accused surrounded the defacto complainant in his house and attacked him.

3.In so far as these petitioners are concerned, they used wooden logs to attack the defacto complainant and pelted stones against the defacto complainant.

4.It is also stated that the injured has been discharged from hospital.

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



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6. 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 – IV, Salem, 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.

[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.

19.12.2023

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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate – IV, Salem.
- 2.The Inspector of Police,
Veeranam Police Station,
Salem District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

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