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Crl.O.P.No.28556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

Crl.O.P.No.28556 of 2023

M.Mani S/o. Manickam Mudhaliyar

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Vellore South Police Station,
Vellore.

(Crime No.371 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.371 of 2023 on the file of
the respondent.

For Petitioner : Mr.Adithya Varadarajan

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



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ORDER

The petitioner seeks bail in Crime No.371 of 2023, registered by the respondent police originally for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and subsequently altered to Sections 294(b), 302 of IPC. The petitioner had been remanded to custody on 02.11.2023.

2.It is the case of the prosecution that the injured, who subsequently died, was a vegetable vendor. The petitioner had taken out his dog for walk. The dog was bitten by stray dogs in an incident of dogs fighting. The petitioner and the injured/deceased then started fighting with each other and later in the evening, the petitioner caused injuries with logs and after three days of admission to hospital, the injured died.

3.Taking all the factors into consideration and the fact that there are no previous cases against the petitioner and it is a stray incident, 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 condition to execute 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.I, Vellore, and on further conditions that: -



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[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 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.

21.12.2023

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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate No.I, Vellore.
- 2.The Inspector of Police,
Vellore South Police Station,
Vellore.
- 3.The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

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