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CrI.O.P.No.28914 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.28914 of 2023

V.Balu

...Petitioner/Accused-2

Vs.

State rep. by
The Inspector of Police, (Law & Order),
Kalavai Police Station,
Ranipet District.
(Crime No.277 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No.277 of 2023 on the file of respondent.

For Petitioner : Mr.M.Chandrasekaran
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.277 of 2023, registered by
the respondent police for the offences punishable under Sections 294(b),
323 & 302 of IPC. The petitioner was arrested and remanded to custody
on 23.10.2023.

2. The case of the prosecution is that owing to previous enmity



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with respect to motorcycle clash, the petitioner along with other accused had abused the deceased in filthy language and had attacked him with centring woods, as a result of which, the deceased died. Hence he case.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case. He further submitted that the petitioner has been in custody for a considerable period of time. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that there was previous enmity with respect to motorcycle clash between the deceased and the accused and when the deceased questioned the same, the petitioner along with other accused had abused him in filthy language and had attacked him with centring woods and hands. She further submitted that investigation is still pending and charge sheet has not been filed. Hence, she vehemently opposed to grant any relief to the petitioner herein.

5. Considering that no specific overt act is attributed as against the



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petitioner and considering the number of days of incarceration by the accused, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Arcot, 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 cards or Bank pass Books 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



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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.

29.12.2023

ata/veda

To

- 1.The District Munsif cum Judicial Magistrate, Arcot.
- 2.The Central Prison, Vellore.
- 3.The Inspector of Police, (Law & Order),
Kalavai Police Station,
Ranipet District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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