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Crl.O.P.Nos.28585 & 28655 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.Nos.28585 & 28655 of 2023

1.Vimal Raj S/o. Manokaran

2.Madhan @ Rajkiran S/o. Kailasam

... Petitioners/Accused 9&10
in Crl.O.P.No.28585 of 2023

M.Dhilip S/o. Murugesan

... Petitioner/Accused -14
in Crl.O.P.No.28655 of 2023

Vs.

The State represented by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.

(Crime No.279 of 2023)

... Respondent in both Crl.O.Ps

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.279 of 2023 on the file
of the respondent.

(In both Crl.O.Ps)

For Petitioners : Mr.T.Elumalai

For Respondent : Mr.R.Kishore Kumar



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Government Advocate (Crl. Side)

COMMON ORDER

A9 and A10 has filed Crl.O.P.No.28585 of 2023 and A14 has filed Crl.O.P.No.28655 of 2023, both in Crime No.279 of 2023, registered by the respondent for the offences punishable under Sections 147, 148, 341, 294(b), 352, 506(2) & 302 of IPC. The petitioners had been remanded to custody on 13.11.2023.

2.This Court had examined the bail application of co-accused in Crl.O.P.Nos.27750 and 27753 of 2023 and had granted bail by order dated 11.12.2023.

3.It is stated that on 12.11.2023 on a Diwali day, all the accused persons had taken alcohol. The defacto complainant and even the deceased had taken alcohol. During that particular period of time, there was a quarrel among all of them which led to violence and ultimately escalated to assault and murder of the deceased. It is stated that there are no previous cases pending against the petitioners. It is also stated that a counter complaint had also been given, which had been registered as Crime No.280 of 2023.



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4.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioners in both Crl.O.Ps subject to the following conditions:

5.Accordingly, the petitioners in both Crl.O.Ps 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, Keelvelur, 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.



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[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.

21.12.2023

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To

1.The Judicial Magistrate, Keelvelur.

2.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.

3.The Central Prison, Trichy.

4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.
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