



WEB COPY



Crl.O.P.No. 29239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29239 of 2023

Sanjaykumar

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Cuddalore NT Police Station,
Cuddalore.

Crime No.386 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in S.C.No.230 of 2023
pending on the file of the learned Principal District Judge, Cuddalore.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody
on 28.06.2023, seeks bail in Crime No.386 of 2023, which was registered by



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the respondent Police for the offences under Sections 147, 148, 341, 294(b) & 302 of I.P.C.

2.The case of the prosecution is that due to previous enmity, the petitioner and 23 others were murdered the defacto-complainant's husband and threatened her and her son. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 28.06.2023. He also submitted that the charge sheet has been filed before the learned Principal District Judge, Cuddalore in S.C.No.230 of 2023. Hence, he seeks for granting bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that due to previous enmity, the petitioner and 23 others were murdered the defacto-complainant's husband and threatened her and her son. She further submitted that the investigation has been completed and the charge sheet has also been filed before the learned Principal District Judge, Cuddalore in S.C.No.230 of 2023. Hence, she opposed for granting of bail to the petitioner.



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5. Heard both side and perused the materials available on record.

6. Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and considering that the investigation has been completed and the charge sheet has also been filed, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 learned Principal District Judge, Cuddalore and on further conditions that:

[b] the petitioner shall report before the Principal District Judge, Cuddalore in S.C.No.230 of 2023, daily at 10.00 A.M. untill further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

vkx/apd

To

1. The Principal District Judge,
Cuddalore
2. The Inspector of Police,
Cuddalore NT Police Station,
Cuddalore.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

vkr/apd

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