



Crl.O.P.No.29266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29266 of 2023

Barathi S/o.Thuraadi

...Petitioner/Accused No.5

Vs.

The State Represented by
Inspector of Police,
Cuddalore NT Police Station,
Cuddalore District.
(Crime No.386 of 2023)

...Respondent

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

For Petitioner : Mr.R.Thamaraiselvan

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

ORDER

The petitioner seeks bail in S.C.No.230 of 2023 on the file of
Principal District Judge, Cuddalore, for the offences punishable under



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Sections 147, 148, 341, 294(b), 302 of IPC. The petitioner was arrested and remanded to custody on 29.06.2023.

2. The case of the prosecution is that owing to previous enmity, the petitioner along with other accused had abused the defacto complainant's husband in filthy language and had murdered him and also threatened the defacto complainant and her son with dire consequences. Hence, the case.

3. Learned counsel for petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody from 29.06.2023. He also submitted that charge sheet has been filed and the same has been taken cognizance as S.C.No.230 of 2023 by the learned Principal District Judge, Cuddalore. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that due to previous enmity, the petitioner along with other accused had murdered



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the defacto complainant's husband. She further submitted that investigation has been completed and charge sheet has also been filed. However, she vehemently opposed to grant bail to the petitioner.

5. Considering the fact that investigation has been completed and the case is posted for trial and also considering the period of incarceration of the petitioner, 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 learned Principal District Judge, Cuddalore 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 Principal District Judge,



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Cuddalore, 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.

29.12.2023

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To

- 1.The Principal District Judge,
Cuddalore.
- 2.The Central Prison,
Cuddalore.
- 3.Inspector of Police,
Cuddalore NT Police Station,
Cuddalore District.
(Crime No.386 of 2023)
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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