



Crl.O.P.No.103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

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

Crl.O.P.No.103 of 2024

B.Kamalakaran

... Petitioner

Vs.

The State represented by
The Inspector of Police, (Law and Order)
Kalavai Police Station,
Ranipet District.
Crime No.277 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.277 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.M.Chandrasekaran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/A1 who was arrested and remanded to judicial
custody on 23.10.2023 for the offences under Sections 294(b), 323, 302 of



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IPC, in Crime No.277 of 2023 on the file of the respondent Police, seeks bail.

2. There are totally two accused. The petitioner is arrayed as A1. A2 had been granted bail by this Court in Crl.O.P.No.28914 of 2023 on 29.12.2023.

3.It is stated that the defacto complainant had lodged a complaint stating that originally one Indhira, Village President died and the defacto complainant's husband and the deceased attended the funerals and at that stage, A1 came in a two wheeler in a rash and negligent manner and therefore, the deceased warned him and thereafter, A1 came back along with A2 and assaulted the deceased and subsequently, the deceased died.

4.It is stated that the investigation had been completed and charge sheet had also been filed before the learned Judicial Magistrate, Arcot on 07.12.2023 and that is the significant change in circumstances.

5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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



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only) with two sureties, each for a like sum to the satisfaction of the learned 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 card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the District Munsif cum Judicial Magistrate, Arcot, everyday, till the date of committal and thereafter, report the concerned Sessions Court, on every Monday, till the date of framing of charges and thereafter, during the Court hearing dates.

[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].



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

08.01.2024

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To

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



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C.V.KARTHIKEYAN,J.

Vkr

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