



CrI.O.P.No.275 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

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

CrI.O.P.No.275 of 2024

Vishunu
S/o. Sivaguru

...Petitioner/A2

Vs.

The State represented by
The Inspector of Police,
S.H.O Thiruppapuliyur Police Station,
Cuddalore District.
(Crime No.386 of 2023)

...Respondent / Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.386 of 2023 on the
file of the respondent police.

For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.L.Baskaran,
Govt. Advocate (CrI. Side)



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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 04.09.2023 for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii), 307 and 302 of IPC and Section 4 of TNPHW Act in Crime No.386 of 2023, seeks bail.

2. It is stated that the occurrence had taken place on 03.09.2023. It must also be stated that there is a counter complaint given by the petitioner against the defacto complainant in which, the group of the defacto complainant had obtained anticipatory bail.

3.The case of the prosecution is that a baby shower ceremony had been conducted and everybody who participated in the function had started to dance and that time, there was a quarrel among the family members. At that time itself, a brother of the defacto complainant called Ajay was severely assaulted by A2, A4 and A5 and he had been taken to a hospital in an ambulance and thereafter, the other members of the defacto complainant's group came over to the residence of the accused questioning as to why the said Ajay was assaulted. Further quarrel escalated leading to an attack with knife and other weapons leading to the death of one person and injury to another and also all the offences are



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attracted under which the First Information Report had been registered.

4.The learned counsel for the petitioner stated that the petitioner and the defacto complainant are the members of the same family and that it was a quarrel during the baby shower function and there was no prior motive. It is also stated that there is no previous case against the petitioner.

5.On the side of the respondent, it had been stated that the investigation has been completed and the final report had been filed and taken cognizance as P.R.C.No.47 of 2023 by the learned Chief Judicial Magistrate, Cuddalore.

6.The earlier petition seeking bail was dismissed on 21.11.2023. However, one change in circumstance is that all the other accused have been granted relief subsequently.

7.Taking all the factors into consideration and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

8.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 Judicial Magistrate, Additional Mahila Court, 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 card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the trial Court 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.



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To

1. The Judicial Magistrate, Additional Mahila Court, Cuddalore.
2. The District Prison, Cuddalore District.
3. The Inspector of Police,
S.H.O Thiruppapuliyur Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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