



Crl.O.P.No.222 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.222 of 2024

Arivuselvam

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Mecheri Police Station,
Salem District.
Crime No.658 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.658 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.A.M.Esakkiappan

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 30.11.2023 for the offences under Sections 294(b), 324, 307 of IPC, in
Crime No.658 of 2023 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that on 14.11.2023, when the cousin of the defacto complainant was standing near a temple, the petitioner had developed a quarrel and assaulted him with a stone and thereafter, on 30.11.2023, when the defacto complainant and his cousin were at the bus stop, the petitioner again picked up a quarrel with his cousin and again assaulted him with wooden log.

3.It is stated by the learned Government Advocate that there are 4 previous cases pending against the petitioner.

4.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:

5.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 No.II, Mettur 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 respondent Police, everyday, twice at 10.30 a.m and 6.30 p.m., until further orders.



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[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.

08.01.2024

vkr

To

1.The Judicial Magistrate No.II, Mettur.

2.The Central Prison, Salem.

3.The Inspector of Police,
Mecheri Police Station,
Salem District.

4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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