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Crl.O.P.No.1289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2024
CORAM

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

Crl.O.P.No.1289 of 2024
and
Crl.M.P.No.1862 of 2024

Viji @ Vijayan

... Petitioner

Vs.

The State represented by
Inspector of Police,
Koothanallur Police Station,
Thiruvarur District
(Crime No. 492 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.492 of 2023 on the file of
the respondent.

For Petitioner : Mr. Swami Subramanian
For Intervenor : Mr.I. Abdul Masith
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner seeks bail in Crime No.492 of 2023, registered by
the respondent police for the offence under Sections 294(b), 506(ii), 109,
326,307 and 120(B) of I.P.C. The petitioner had been remanded to judicial



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custody on 06.01.2024.

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2.It is the case of the prosecution that when the defacto complainant was going to Dental hospital in his two wheeler at that time the petitioner along with other accused attacked the defacto complainant with iron rod and caused severe injuries to him and threatened him with dire consequences. Thereafter, the defacto complainant was rescued.

3.It is the contention of the learned counsel for the intervenor when the defacto complainant was taken to be admitted in the hospital and again injuries were caused. Hence, he vehemently opposed to grant bail to the petitioner.

4. The learned Government Advocate(CrI side) has filed a counter wherein it had been stated that some of the co-accused are still absconding.

5.The learned counsel for the petitioner stated that the petitioner is an innocent person and only based on the confessions statement given by the co-accused, this petitioner was implicated in this case. However, he is ready to is prepared to deposit any amount as compensation to the victim.



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6. Merely, because the petitioner deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking all these factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

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 No.II, Mannargudi, Thiruvarur District** 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 deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Crime No.492 of 2023 before the **learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District** and on such deposit, the **Judicial Magistrate No.II, Mannargudi, Thiruvarur District** may hand over the said amount to the defacto complainant.



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[c] the petitioner shall report at TB-2, Tirunelveli Town Police Station for a period of 20 days and thereafter before the respondent police everyday at 10.30 a.m., until further orders.

[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 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].

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

The above miscellaneous petition is allowed.

26.02.2024

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To

- 1.The **Judicial Magistrate No.II, Mannargudi, Thiruvarur District**
2. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District, (Crime No. 492 of 2023)
- 3.The Central Prison, Tiruchirapalli.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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