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Crl.O.P.No.1504 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.No.1504 of 2024

1.Lakshmanan
2.Ramachandran
3.Muthupandi @ Kullan
4.Vasudevan @ Vasu
5.Kumar

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.

(Crime No.371 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.371 of
2022 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.R.Thamariselvan

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



Crl.O.P.No.1504 of 2024

WEB COPY

ORDER

The petitioners/A10, A14, A12, A11 and A13 in Crime No.371 of 2022, registered by the respondent for the offences under Sections 147, 148, 149, 324, 342, 109, 115 307, 302, 120(B) of IPC, seek bail. They had been remanded to judicial custody on 12.12.2022.

2.The learned counsel for the petitioners stated that originally the petitioners had been detained under Tamil Nadu Act 14 of 1982 and the detention order had been revoked. It is also stated that the petitioners had been granted bail under Section 167(2) of Cr.P.C., but before they could execute sureties, final report had been filed and therefore, bail granted was cancelled and the petitioners continue to remain in custody.

3.A counter affidavit has been filed on behalf of the respondent wherein it had been stated that investigation has been completed and final has been taken cognizance as P.R.C.No.14 of 2023 by the Judicial Magistrate I, Nagapattinam, and subsequently, the matter had been committed to the Court of Sessions and had been assigned as S.C.No.51



Crl.O.P.No.1504 of 2024

of 2023 and all the other accused had been granted bail.

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4.Since the allegations against these petitioners will have to be tested during the course of trial, it may not be proper on my part to revisit the facts but however, taking note of the period of incarceration and the fact that the other accused had been granted bail and the further fact that the matter is posted before the Sessions Court on 15.02.2024 for framing of charges and to provide sufficient opportunity to the petitioners to defend their case, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Nagapattinam, 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



CrI.O.P.No.1504 of 2024

their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 0530 p.m., for a period of 20 days and thereafter, appear before the Sessions Court during the Court hearing dates.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

13.02.2024

ata

C.V.KARTHIKEYAN. J.

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To



Crl.O.P.No.1504 of 2024

WEB COPY

- 1.The Judicial Magistrate No.I, Nagapattinam.
- 2.Nagapattinam Prison, Nagapattinam.
- 3.The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.1504 of 2024

13.02.2024