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Crl.O.P.No.2931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

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

Crl.O.P.No.2931 of 2024

Nirmal Kumar

... Petitioner

Vs.

The State of Tamil Nadu,
represented by The Inspector of Police,
H-8, Thiruvottiur Police Station.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.895 of 2023 on the file
of the respondent.

For Petitioner : Mr.M. Illiyas

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 31.12.2023, for the offences registered under Sections 341,324 and 302 of
of IPC, in Crime No.895 of 2023 on the file of the respondent Police, seeks
bail.

2. The case of the prosecution is that there are totally three accused



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in this case and the petitioner herein is A3. It is stated that all the three accused waylaid the deceased and attacked him and caused injuries, which resulted in the death of the deceased.

3. The learned Government Advocate for the respondent submitted that there is no previous case pending against the petitioner. It is stated that A1 had been detained under Tamil Nadu Act 14 of 1982.

4. Taking into consideration the period of incarceration and considering the specific overt act against the petitioner, 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 Thiruvottiur** 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 at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or



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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.

12.02.2024

smn

To

1.The **Judicial Magistrate Thiruvottiyur**

2.The Inspector of Police,
H-8, Thiruvottiyur Police Station.

3.The Central Prison, Puzhal

4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.



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