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Crl.O.P.No.3927 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

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

Crl.O.P.No.3927 of 2024

Velmurugan

... Petitioner

Vs.

State By

The Inspector of Police,
S.H.O. Aladi Police Station,
Cuddalore District,
Crime No.169 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.169 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.R. Thamarai Selvan

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 27.12.2023 for the offences registered under Sections 147,148,294(b),
323,324,332,341,379,430 and 307 of IPC r/w Section 3(1) of PPD Act, r/w
21(1) of MM Act in Cr.No.169 of 2023 on the file of the respondent Police,
seeks bail.



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2.It is the case of the prosecution that the defacto complainant, Assistant Director, Regional Flying Squad, Geology and Mines Department, Villupuram, had tried to intercept a lorry with Regn.No.TN-31-AS-7466 which was loading cobble stones without any proper documents on 26.12.2023/27.12.2023. The lorry was seized and it was being taken to Ulundurpet Police Station. At that time, another Bolero car with Regn.No.TN-46-Y-6562 came and dashed against the lorry and the lorry fell down in the ditch. The persons in the said Bolero car came out and assaulted the defacto complainant, leading to grievous injuries. Both the lorry and the Bolero car belong to A1.

3. The learned Government Advocate(crl side) had filed an affidavit wherein it is stated that they have examined and recorded the statement of 18 witnesses. It is stated that investigation has proceeded to substantial extent. It is also stated that there are four previous cases against the petitioner herein and further some of the co-accused who have earlier absconding have filed anticipatory bail before this Court. The earlier bail application filed by the petitioner was dismissed by this Court vide order dated 08.02.2024 in Crl.O.P.No.1539 of 2024.



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4.Taking into consideration the period of incarceration and also of the fact that the **investigation has been proceeded to substantial extent**, 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, Viruthachalam** 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 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



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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.

6. It is made clear that this order should not enure to the benefit of other accused.

21.02.2024

smn

To

1.The **Judicial Magistrate No.II, Viruthachalam**

2.The Inspector of Police,
S.H.O. Aladi Police Station,
Cuddalore District,
Crime No.169 of 2023.

3.The **Central Prison, Cuddalore**

4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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