



Crl.O.P.No.5126 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

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

Crl.O.P.No.5126 of 2024

Alex @ Alexpandiyan

..Petitioner

Vs.

State represented by
The Inspector of Police, (L&O)
Town Police Station, Nagapattinam.
(Crime No.371 of 2022).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.51 of 2023 on the file of the Principal District and Sessions Court, Nagapattinam.

For Petitioner : Mr.M.Dhivakar

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

ORDER

The petitioner who is arrayed as A8 in S.C.No.51 of 2023 pending before the Principal District and Sessions Court, Nagapattinam, seeks bail.



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2.Originally, Crime No.371 of 2022 had been registered by the respondent Police under Sections 147, 148, 341, 307, 302 of IPC and later altered to Sections 147, 148, 341, 302 and 120(B) IPC. There are totally 14 accused and the petitioner is arrayed as A8.

3.The case of the prosecution is that on 08.12.2022, a complaint had been lodged stating that when the deceased and the injured were passing near the entrance of Appa Tea Stall at the premises of Abirami Amman Ground, they were assaulted by all the accused, who committed the murder of one person and caused injuries to the defacto complainant.

4.The investigation has been completed and final report had been filed and the same has been taken cognizance as P.R.C.No.14 of 2023 before the Judicial Magistrate No.I, Nagapattinam and subsequently, committed to the Principal District and Sessions Court, Nagapattinam, as S.C.No.51 of 2023. The matter has now been listed on 20.03.2024 for framing of charges.

5.The learned counsel for the petitioner stated that most of the other accused had been granted bail.



6.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

[b] the petitioner shall report before the Principal District and Sessions Court, Nagapattinam, on every Monday, apart from the Court hearing dates, till completion of the trial.

[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



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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.

18.03.2024

vkr

To

- 1.The Judicial Magistrate No.I, Nagapattinam.
2. The Central Prison II, Puzhal, Chennai.
- 3.The Inspector of Police, (L&O)
Town Police Station, Nagapattinam.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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