



WEB COPY



Crl.O.P.Nos.5270 & 5298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.03.2024

CORAM

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

Crl.O.P.Nos. 5270 & 5298 of 2024

Kathiravan @ Jenni ... Petitioner in Crl.O.P.No.5270 of 2024

Karthick ... Petitioner in Crl.O.P.No.5298 of 2024

Vs.

The State rep. by
The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal District.
(Crime No.115 of 2023)

... Respondent in both Crl.O.Ps

PRAYER IN BOTH PETITIONS: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Crime No.115 of 2023 pending on the file of the respondent Police.

For Petitioners in
both petitions : Mr.P.Muthamizhselvakumar

For Respondent in
both petitions : Mr.K.S.Mohandass,
Public Prosecutor (Pondicherry)
Assisted by Mrs.N.Danalatchumy

COMMON ORDER



Crl.O.P.Nos.5270 & 5298 of 2024

WEB COPY

The accused No.2 has filed Crl.O.P.No. 5298 of 2024 and the Accused No.4 have filed Crl.O.P.No.5270 of 2024, both in Cr.No. 115 of 2023, originally registered for the offences under Sections 307 and 34 of IPC and later, altered to Sections 341, 307, 120(b) IPC r/w 34 of IPC, seek bail.

2. The petitioner in Crl.O.P.No.5298 of 2024 had been remanded to judicial custody on 09.12.2023 and the petitioner in Crl.O.P.No.5270 of 2024 had been remanded to judicial custody on 19.12.2023.

3. The case of the prosecution is that all the four accused had come in a two separate motorcycles and assaulted the injured by causing cut injuries on the forehead and other places.

4. The learned Public Prosecutor (Pondicherry) stated that the injured had been discharged from the hospital and there is no previous case against the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand



Crl.O.P.Nos.5270 & 5298 of 2024

only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikal 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[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.



WEB COPY



Crl.O.P.Nos.5270 & 5298 of 2024

05.03.2024

vkf

To

1. The Judicial Magistrate, Karaikal.
2. The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal District.
3. The District Prison, Karaikal.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

vkf



WEB COPY



Crl.O.P.Nos.5270 & 5298 of 2024

Crl.O.P.Nos. 5270 & 5298 of 2024

05.03.2024