



Crl.O.P.No.5954 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.5954 of 2024

Soundararajan

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Namagiripet Police Station,
Namakkal District.

(Crime No.2 of 2024)
...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.2 of 2024
on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.P.Lakshmikandan

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



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ORDER

The petitioner/accused in Crime No.2 of 2024, registered by the respondent police for the offences under Sections 307 of IPC and Sections 25(1B)(a) & 29(a) of Arms Act, and remanded to judicial custody on 04.01.2024, seeks bail.

2.The earlier application seeking bail in Crl.O.P.No.3624 of 2024 was dismissed by this Court on 16.02.2024.

3.The case of the prosecution is that the petitioner, using a country made gun, had shot the defacto complainant. It is further stated that the injured was hospitalized from 04.01.2024 to 31.01.2024.

4.It is further stated that when the defacto complainant was working in agricultural land, the accused accused had shot him.

5.It is seen from the counter affidavit that the respondent had examined and recorded the statement of seven witnesses and they have also to collect Wound Certificate from the Government General Hospital, Salem and to get report from the laboratory and Ballistic Report.



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

4. 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 Judicial Magistrate, Rasipuram, 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.2 of 2024 before the Judicial Magistrate, Rasipuram. On receipt of such payment, the learned Judicial Magistrate, Rasipuram, may hand over the same to the defacto complainant towards part compensation of the expenses involved during the course of incident.



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trial.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

18.03.2024

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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate, Rasipuram.
2. The Central Prison, Salem District.
3. The Inspector of Police,
Namagiripet Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

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