



Crl.O.P.No.11072 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11072 of 2024

1. Arulkumar
2. Vivek
3. Prathap
4. Vaitheeswaran
5. Kumaresan
6. Thirumalai

..Petitioners

Vs.

State rep by
The Inspector of Police,
Velagoundampatti Police Station,
Namakkal District.
(Crime No.51 of 2024)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.51 of 2024 on the file of the respondent Police.

For petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.04.2024 for the offences originally registered by the respondent Police under Section 174 of Cr.P.C and later, altered to Sections 342 and 304(2) of IPC, in Crime No.51 of 2024 on the file of the respondent, seeks bail.

2.It is stated that the deceased person alleged to have died in a mysterious manner and later, came to know that the petitioners have jointly alleged to have assaulted him and caused such death.

3. It is stated by the learned Government Advocate (Crl.side) that the petitioners collectively alleged to have assaulted the deceased who being a mentally disturbed person roaming in and around their locality on suspicion.

4.The learned counsel for the petitioners stated that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution.

5.Taking into consideration the facts and circumstances of the case and the period of incarceration into consideration, this Court is inclined



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to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the each of petitioners are ordered to be released on bail on condition to execute separate bonds 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-I, Namakkal 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



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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.

08.05.2024

Vv

To

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



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K. KUMARESH BABU. J.

Vv

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