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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.11349 of 2024

Ezhil @ Ezhil Nilavan

... Petitioner

Vs.

State Rep by.
The Inspector of Police
SHO Neyveli Thermal Police Station,
Cuddalore District. Crime No. 234 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No. 234
of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Balaji
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 28.10.2023 for the alleged offences punishable under Sections 147, 148, 341, 302 IPC @ 120b, 147, 148, 294(b), 341, 506(ii), 302 IPC in **crime No. 234 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that on the date of alleged occurrence the petitioner along with other accused persons assaulted the deceased persons with knife who sustained injuries and died. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl Side) submits that totally 8 accused involved in this case in which the petitioner is arrayed as A3 and co-accused have been released on bail. Further, he stated that there are 8 previous case pending against the petitioner.

5. Considering the period of incarceration undergone by the petitioner and also the investigation has been completed and the final has been taken on file in S.C No. 61 of 2022. Hence, this Court is inclined to



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grant bail to the petitioner with the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Neyveli, Cuddalore District**, 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 stay at Sivagangai and report before the Town Police Station on alternative days at 10.30 a.m., for a period of three months.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate, Neyveli, Cuddalore.**
2. The Inspector of Police
SHO Neyveli Thermal Police Station,
Cuddalore District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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