



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

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

CrI.O.P.No.17871 of 2024

Arivumani

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Srimushnam Police Station,
Cuddalore District.
Crime No. 96 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No. 96 of 2024 pending
investigation on the file of the Inspector of Police, Srimushnam Police
Station, Cuddalore.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (CrI. side)



WEB COPY



ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2024 for the alleged offences punishable under Sections **147, 148, 294(b), 323, 324, 506(ii) and 302 IPC r/w Section 4 of TNPWH Act rime No. 96 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner asked the defacto complainant to withdraw the pending case, out of which, there was a wordy quarrel between them, thereby the petitioners along with other accused came with sticks and attacked the defacto complainant's family members, wherein his wife sustained serious injuries and subsequently she died. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as if he attacked the deceased. Further, he stated that co-accused has been released on bail. Hence, he prays to allow this petition.



WEB COPY

4. On the other side, the learned Government Advocate (Crl. side) submits that final report has been filed. However, raised objection to grant bail.

5. Considering the facts and circumstances of the case and also the fact the final report has been filed in this case and co - accused have been released on bail. Hence, this Court is inclined to grant bail to the petitioner.

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 II, Virudhachlam**, 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 daily at 10.30 a.m., until further orders. Further, the petitioner is directed to deposit a sum of Rs.30,000/- to the credit of Crime No. 96 of 2024 and the victim is permitted to the defact complainant is permitted to withdraw the same.

[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.

29.07.2024

pbl



WEB COPY



T.V.THAMILSELVI,J.

pbl

To

1. The **Judicial Magistrate II, Virudhachlam**
2. The Inspector of Police
Srimushnam Police Station,
Cuddalore District.
3. The Central prison, cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17871 of 2024

29.07.2024