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Crl.O.P.No.28953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

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

Crl.O.P.No.28953 of 2023

M.Vigneshwaran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
Crime No.279 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.279 of 2023 on the file of
the respondent.

For Petitioner : Mr.T.Elumalai

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.11.2023, for the offences registered under Sections 147, 148, 341,



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294(b), 352, 506(2) and 302 of IPC, in Crime No.279 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that during the Diwali festival, all the accused and also the deceased started to quarrel and that lead to quarrel which escalated into violence. The deceased was hit by a wooden log.

3. The learned Government Advocate for the respondent submitted that there are totally 17 accused and the petitioner is arrayed as A4. The rest of the accused have been granted either bail or anticipatory bail. The specific overt act against the petitioner is that he held the deceased. The investigation has been practically completed.

4. Taking into consideration the period of incarceration and also of the fact that the other accused have been granted either bail or anticipatory bail, I am inclined to grant bail to the petitioner subject to the following conditions:

5. 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 learned District Munsif cum Judicial Magistrate, Keelvelur and on further conditions that:-



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

04.01.2024

vkr

To

1.The District Munsif cum Judicial Magistrate, Keelvelur.

2.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.



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3.The Central Prison, Trichy.

4. The Public Prosecutor, High Court of Madras.

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