

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6765 of 2021

M.Prathap

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Dusi Police Station,
Thiruvananthapuram District.
Crime No.71 of 2021

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.71 of 2021 pending on the file of respondent.

For Petitioner : Mr.M.Udhaya Sankar
For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

सत्यमेव जयते

ORDER

The petitioner who was arrested on 09.03.2021 for the offence under Sections 147, 148, 324 and 307 of I.P.C. in Cr.No.71 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused is alleged to have attacked the defacto complainant. The petitioner is arrayed as A2 in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that there is no previous case as against the petitioner and would further submit that the injured has been discharged from the hospital.

5.Considering the fact that the injured has been discharged from the hospital and the fact that there is no previous case pending against the petitioner, I am 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned

Judicial Magistrate, Cheyyar and on further condition 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. for a period of two weeks and thereafter, shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 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]***; and;

M.DHANDAPANI,J.

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

07.04.2021

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Inspector of Police,
Dusi Police Station,
Thiruvananthapuram District.
Crime No.71 of 2021.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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