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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7950 of 2021

R.Kumar

... Petitioner

Vs.

State by
The Inspector of Police,
Thiruvannamalai Town Police Station
Thiruvannamalai District
(Crime No.162 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in FIR in Crime No.162/2021 on the file of the respondent police

For Petitioner : Mr.M.Krishnamoorthi

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 11.04.2021 and remanded to judicial custody for the offences under Sections 147,148,294(b), 452, 427, 324, 506(ii) @ 147, 148, 294(b), 452, 427, 324, 506(ii) & 307 of IPC in Cr.No.162 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were posted as booth agents in different parties. There was a dispute arose between the petitioner and the defacto complainant on 06.04.2021 during election. Due to the dispute, on 10.04.2021 at 11.00 PM, the petitioner and other accused persons, entered into the defacto complainant's house and scolded him and attacked the defacto complainant and his wife and uncle with iron rod, aruval and caused injuries and threatened them with dire consequences. Hence, the law enforcing agency registered a case against the petitioner.



3. The learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and due to previous enmity, the defacto complainant has filed a false complaint and the petitioners have been in jail from 11.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor opposed the grant of bail by stating that the petitioner and other accused attacked the defacto complainant and caused grievous injuries to his family members. She further submits that investigation is almost completed and the injured discharged from the hospital.

5. Taking into consideration the fact that investigation is almost completed and the injured discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to 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) each 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-I, Thiruvannamalai within a period of fifteen days from the date of receipt of a copy of this order, 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 until further orders;

(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 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]; and;



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

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-sd/-
29/04/2021

This order, on being produced, be punctually observed and carried
into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1CC to Mr.M.Krishnamoorthi Advocate on payment of necessary
charges SR NO.5565

CRL OP.7950/2021

Date :29/04/2021

MK:30/04/2021