

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9203 of 2021

S.Raja @ JCB Raja

...Petitioner

Versus

The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
(Crime No.527/2021)

...Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in connection with the case in Crime
No.527 of 2021 pending investigation on the file of the respondent/police.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 24.04.2021 for the alleged offences punishable under Sections 294(b), 307, 323, 324 and 506 (II) IPC in Crime No.527 of 2021 pending on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 22.04.2021, the petitioner and other accused waylaid the *de facto* complainant, attacked him with hands and threatened him with dire consequences. Therefore, this case came to be filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to previous enmity between the parties, he has been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.528 of 2021. It is his further submission that the petitioner has been in judicial custody since 24.04.2021 and prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this bail petition on the ground that there are two similar cases pending against the petitioner. However, he would further submit that the injured has been discharged from the hospital.

5. Taking note of the fact that there is a case in counter in Crime

No.528 of 2021 and also the fact that the injured has been discharged from the hospital and also considering the fact that the petitioner is in judicial custody since 24.04.2021, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on he executing a personal 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 **Judicial Magistrate No.I, Kallakurichi District**, and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders;

(b) the petitioner shall not abscond either during investigation or trial;

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

(d) on breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***; and

(e) if the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

13.05.2021

nsd

Note: Issue Order copy on 13.05.2021

G.CHANDRASEKHARAN, J.,

nsd

To

- 1.The Judicial Magistrate No.I,
Kallakurichi.
- 2.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
- 3.The Superintendent of Prison,
Central Prison, Thirukovilur.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

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सत्यमेव जयते

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