



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12849 of 2021

Alexander

... Petitioner

Vs.

The Sub-Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.
Crime No.225 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the Crime No.225 of 2021 pending on the file of the respondent
police.

For Petitioner : Mr.S. Saravana Kumar

For Respondent : Mr.A.Gopinath
Government Advocate(Crl. side)

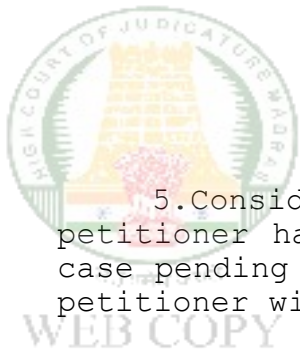
O R D E R

The petitioner who are arrested on 29.06.2021 for the offence under Sections 147, 148, 294(b), 324, 427, 448 and 506(ii) of I.P.C r/w 3 of TN Public Property (PRVNT of Damage and Loss) Act 1992 in Crime No.225 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused due to previous enmity came to defacto complainant's brother house and assaulted him and caused injuries to him. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is nothing to do with the alleged offence as stated by the prosecution and he is in custody from 28.06.2021. Hence, he learned counsel prays to grant bail to the petitioner.

4.The learned Government Advocate submitted that due to previous motive, came to defacto complainant's brother house and assaulted him and caused injuries to him. He further submitted that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



5.Considering the facts and circumstances of the case, the petitioner having been under incarceration and there is no previous case pending against him, this Court is inclined to grant bail to the petitioner with 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) 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 No.I, Ulunderpet Taluk, 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 is directed to appear before the respondent police daily morning at 10.30 am 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-
26/07/2021

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, ULUNDURPET TALUK.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT
THE CENTRAL PRISON, CUDDALORE.

4 THE SUB-INSPECTOR OF POLICE,
ELAVANASOORKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SARAVANA KUMAR Advocate on payment of necessary
charges

CRL OP.12849/2021

Date :26/07/2021

RW 27/07/2021