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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20644 of 2021

Saritha

... Petitioner

Vs.

State rep by
Inspector of Police,
Thirukoilur Police Station,
Thirukoilur,
Kallakurichi District.
(Crime No.935 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 Crime No.935 of 2021 pending on the file of the respondent.

For Petitioner : Mr.C.Munusamy

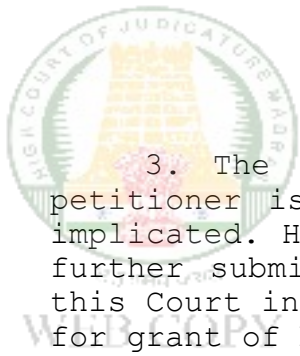
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Intervenor : Mr.T.S.Sivakumar

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.10.2021 for the offences punishable under Sections 147, 148, 294(b), 448, 506(ii) and 352 of IPC r/w 3(1) of TNPPDL Act in Crime No.935 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to animosity regarding election campaign, the petitioner along with other accused attacked the defacto complainant's house and the accused persons scolded him in a filthy language and broke open the house with gas cylinder kept in front of the defacto complainant's house and threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and dhe has been falsely implicated. He further submits that he is in jail from 21.10.2021. He further submits the co-accused was enlarged on anticipatory bail by this Court in CrI.OP.No.20296 of 2021 dated 29.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned counsel for the intervenor vehemently opposed for grant of bail to the petitioners by stating that the petitioner along with other accused persons scolded the defacto complainant in a filthy language and break open house using gas cylinders kept in front of the house.

5. The learned Government Advocate (CrI.Side) appearing for the respondent submits that no one sustained injuries. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Considering the facts that no one sustained injuries and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirukoilur, 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/-
01/11/2021

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,
THIRUKOILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
THIRUKOILUR, KALLAKURICHI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S C.MUNUSAMY Advocate on payment of necessary charges

CRL OP.20644/2021

Date :01/11/2021

JPA 02/11/2021