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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22935 of 2021

Vignesh

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Mannargudi Taluk Police Station,
Thiruvavarur District.
Crime No: 628 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 628 of 2021 on the file of the respondent police.

For petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.11.2021 for the offences under **Sections 294(b), 323, 506(ii) and 436 of IPC**, in Crime No.628 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner attacked the de facto complainant with wooden log and set fire on his property. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has have been falsely implicated in this case and that he has been suffering incarceration for more than 25 days from 05.11.2021. He would further submit that the petitioner is ready to abide by any stringent conditions as may be directed by this Court and would pray for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner was consuming Alcohol in the petitioner's property and the same was questioned by the defacto complainant. Hence, the petitioner attacked the defacto complainant and set fire on his shed but admits that the injured was treated as out patient and the investigation is almost completed.

5. Considering the period of incarceration undergone by the petitioner and the investigation is almost completed, 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 bonds 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-I, Mannargudi**, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** through demand draft to the **Registered Legal Services Authority, Thiruvarur District**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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;

(c) **the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;**

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

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

(f) 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;



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

-sd/-
01/12/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI, THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, NAGAPATTINAM.

6 THE REGISTERED LEGAL SERVICES AUTHORITY,
THIRUVARUR DISTRICT.

CC to M/S. S.KINGSTON JEROLD Advocate on payment of necessary charges

CRL OP.22935/2021

Date :01/12/2021

TA-02/12/2021