



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

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CORAM:

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

Cr1.O.P.No.23352 of 2021

Nizamuddin @ Kutta Suresh

...Petitioner

Vs.

The State rep. By its
Inspector of Police
Vellore North Police Station
Vellore District
Crime No.1072 of 2020

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in the case in Crime No.1072 of 2020 on the file of the respondent police.

For Petitioner : M/s.M.Sathish Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.11.2021 for the offences under Sections 294(B), 323, 307 & 506 (ii) of IPC in Crime No.1072 of 2020 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant had preferred the complaint on 26.05.2020 alleging that his son was taken by the petitioner along with other accused due to which there was wordy quarrel among themselves which ended in the physical attack, in which the defacto complainant's son was brutally attacked and sustained grievous injuries and was taken to the hospital. Hence, the respondent police registered the case against the petitioner.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the complaint was given in the year 2020 and the



victim has also been discharged from the hospital. He furthermore submits that the petitioner has been suffering incarceration for 45 days from 18.11.2021. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) submits that the injured person has been discharged from the hospital and the investigation is almost completed. He further submits that there are four previous cases pending against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the submission made by the learned Government Advocate that the injured has been discharged from the hospital and since the complaint was given in the year 2020 and that the investigation is almost completed and also considering the period of incarceration undergone 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 No.IV, Vellore, Vellore District and on further conditions 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 Police, Salem Town Police Station on every Tuesday and Sunday 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/-

06/12/2021

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.IV, VELLORE, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE,
VELLORE DISTRICT.

6 THE INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION,
SALEM DISTRICT.

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

CRL OP.23352/2021

Date :06/12/2021

CSK 07/12/2021