



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.23752 of 2021

Moorthy

... Petitioner

Vs.

The State by,
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

...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. 1381 of 2021 on the file of the Inspector of Police, Villupuram Taluk Police Station,Villupuram

For petitioner : Mr.C.Ganesh Pandian

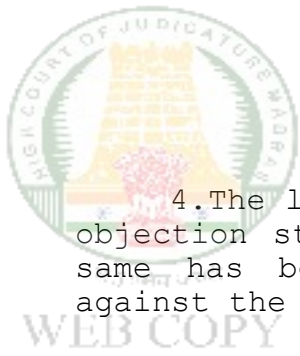
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.11.2021 for the offences under Sections 294(b), 353, 506(ii), 307 IPC r/w Section 3 of the T.N.P.P.D.L Act r/w Section 7(3) T.N.L.R. Act, in Crime No.1381 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.11.2021 when the defacto complainant who is the Head Constable of the respondent police station along with his police party had gone for enquiry with regard to case in Crime No.1308 of 2021, one Gajendran who is the Kingpin for selling illegal lotteries, abused the defacto complainant and also damaged their two wheeler and that the petitioner is the agent for selling the illegal lotteries to the public. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case based on the confession of A1. He would further submit that the petitioner has been suffering incarceration for more than 20 days from 13.11.2021 and hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that already A1 is detained under Goondas and the same has been revoked, though there is no proposal for Goondas against the petitioner, he has a previous cases of like same nature.

5. Considering the facts and circumstance of the case 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 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, Villupuram, 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 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.

-sd/-
09/12/2021

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.



1 THE JUDICIAL MAGISTRATE-I,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, GINGEE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.GANESH PANDIAN Advocate on payment of necessary
charges SR.NO.14436

CRL OP.23752/2021

Date :09/12/2021

CSK 09/12/2021